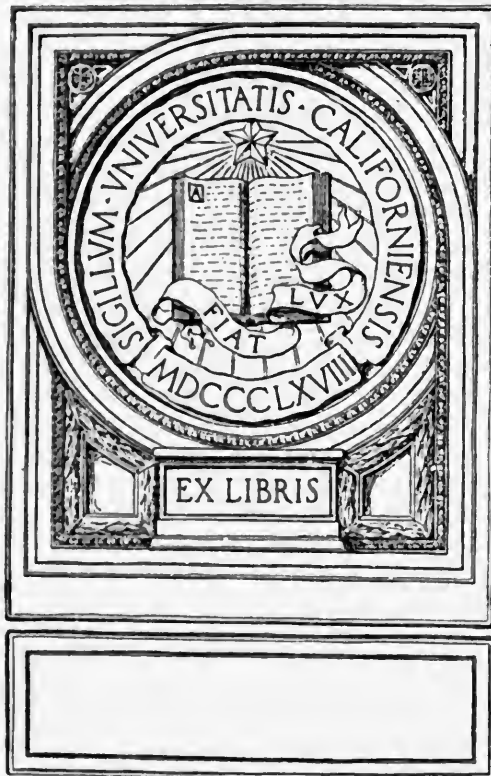


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THE
REVISED ORDINANCES
OF THE
CITY OF SPRINGFIELD,

APPROVED DECEMBER 21, 1904,

WITH

THE CITY CHARTER, AMENDMENTS, SPECIAL STATUTES, RULES AND
ORDERS FOR THE REGULATION OF HACKNEY CARRIAGES,
STREET MUSICIANS, AND PUBLIC AMUSEMENTS, RULES
AND ORDERS OF THE BOARD OF ALDERMEN AND OF
THE COMMON COUNCIL, AND THE JOINT RULES
AND ORDERS OF THE CITY COUNCIL.

PUBLISHED BY ORDER OF THE CITY COUNCIL.



SPRINGFIELD, MASS.:
SPRINGFIELD PRINTING AND BINDING CO., CITY PRINTERS.

1905.

JS 1460
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1904

TO VINU
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PREFACE.

An order was passed by both branches of the city council, and was approved by the Mayor, March 29, 1904, providing that a committee, consisting of two Aldermen and three members of the Common Council, be appointed to complete the codification of the City Ordinances, under the supervision of the City Solicitor, Henry A. King, Esq.

In pursuance of this order the following committee was appointed :—

Alderman	Sanderson,
“	Ladd,
Councilman	Allen,
“	Buck,
“	Houlihan.

The work of revision was done by William G. McKechnie, Esq., who was assisted therein by Harlan P. Small, Esq.

The committee reported “An Ordinance Consolidating and Revising the Ordinances of the City of Springfield.” This ordinance passed both branches of the city council and was approved by the Mayor, December 21, 1904.

ABBREVIATIONS.

R.O. means Revised Ordinances of 1904, as hereinafter printed ; Sup. means superseded by ; Aff. means affected by ; '00, ch. 1, etc., means chapter 1 of the ordinances passed in the year 1900, etc.

TABLE SHOWING THE DISPOSITION MADE OF THE REVISED ORDINANCES OF 1890.

CHAPTER 1.	R. O., ch. 1.
CHAPTER 2.	Sup. '95, ch. 5.
CHAPTER 3.	Repealed '94, ch. 9, sec. 8.
CHAPTER 4.	R. O., ch. 4.
CHAPTER 5.	R. O., ch. 5, except — Sec. 1, amended '91, ch. 1, 2, 5, 6; '92, ch. 7. Sec. 1, superseded in part '92, ch. 6, 8, 9; '96, ch. 1; '97, ch. 3; '98, ch. 5; '00, ch. 10, 14; '01, ch. 2, 7, 12; '02, ch. 2; '03, ch. 9. Sec. 3, amended '94, ch. 4. Sec. 4, sup. '01, ch. 1. Sec. 5, amended '91, ch. 7. Affected '91, ch. 4; '92, ch. 5; '93, ch. 7; '94, ch. 5, sec. 3; '94, ch. 12; '94, ch. 13, sec. 13.
CHAPTER 6.	R. O., ch. 6.
CHAPTER 7.	R. O., ch. 7.
CHAPTER 8.	R. O., ch. 9.
CHAPTER 9.	R. O., ch. 10, except— Secs. 2, 3, R. O., ch. 13, secs. 6, 7. Sec. 5, amended '99, ch. 2.
CHAPTER 10.	R. O., ch. 11, except— Sec. 6, obsolete, dropped.
CHAPTER 11.	R. O., ch. 12.
CHAPTER 12.	R. O., ch. 13, except— Sec. 1, amended '93, ch. 1; repealed '98, ch. 4.
CHAPTER 13.	R. O., ch. 14.
CHAPTER 14.	R. O., ch. 15, except— Sec. 2, amended '97, ch. 8.
CHAPTER 15.	R. O., ch. 16.
CHAPTER 16.	R. O., ch. 17, except— Sec. 2, amended '00, ch. 7.
CHAPTER 17.	R. O., ch. 18, except— Sec. 2, repealed '98, ch. 1.
CHAPTER 18.	R. O., ch. 19, except— Sec. 2, amended '01, ch. 8; '04, ch. 4.
CHAPTER 19.	R. O., ch. 20.
CHAPTER 20.	R. O., ch. 21.
CHAPTER 21.	R. O., ch. 22.
CHAPTER 22.	R. O., ch. 23.
CHAPTER 23.	R. O., ch. 24.
CHAPTER 24.	Repealed '00, ch. 8, sec. 7.
CHAPTER 25.	Repealed '93, ch. 3, sec. 7.
CHAPTER 26.	R. O., ch. 27.
CHAPTER 27.	Dropped, statute repealed.

8 DISPOSITION MADE OF REVISED ORDINANCES OF 1890..

- CHAPTER 28. Sup. '93, ch. 6.
- CHAPTER 29. Amended '92, ch. 4; '93, chs. 2 and 5.
Sup. '94, ch. 13.
- CHAPTER 30. Repealed '95, ch. 7, sec. 20.
- CHAPTER 31. R. O., ch. 31.
- CHAPTER 32. R. O., ch. 32.
- CHAPTER 33. Sec. 1, amended '92, ch. 1; '97, ch. 2; '01, ch. 3.
Sec. 3, amended '92, ch. 2; repealed '92, ch. 2.
Sec. 5, amended '95, ch. 1.
Sec. 7, amended '95, ch. 4.
Sup. '02, ch. 4.
- CHAPTER 34. R. O., ch. 34.
- CHAPTER 35. Dropped, statute repealed.
- CHAPTER 36. R. O., ch. 36.
- CHAPTER 37. R. O., ch. 37, except—
Sec. 3, amended '01, ch. 9.
Sec. 4, amended '95, ch. 3.
Sec. 23, amended '99, ch. 4.
Sec. 15, amended '96, ch. 5.
Sec. 38, amended '90, ch. 2.
- CHAPTER 38. Obsolete, dropped.
- CHAPTER 39. R. O., ch. 38.
- CHAPTERS 40, 41, 42, dropped: see Acts '04, ch. 370 (see R. O., ch. 39).
- CHAPTER 43. Repealed '98, ch. 2, sec. 5.
- CHAPTER 44. Dropped, except—
Sec. 1, R. O., ch. 41, sec. 1.
Sec. 3 (in part), R. O., ch. 41, sec. 2.
(See Acts of '95, ch. 497; also Rev. Laws, ch. 102, secs. 33, 39.)
- CHAPTER 45. Repealed '97, ch. 1, sec. 12.
- CHAPTER 46. R. O., ch. 43, except—
Secs. 5 and 7, amended '01, ch. 4.
- CHAPTER 47. R. O., ch. 44.
- CHAPTER 48. Obsolete, dropped.
- CHAPTER 49. R. O., ch. 47.
- CHAPTER 50. R. O., ch. 48, except—
Sec. 1 and sec. 2 (in part) dropped.
Sec. 3, dropped.
- CHAPTER 51. R. O., ch. 49.
- CHAPTER 52. R. O., ch. 52.

TABLE SHOWING THE DISPOSITION MADE OF ORDINANCES PASSED SINCE THE REVISION OF 1890.

1890.	CHAPTER 1.	R. O., ch. 46.
	CHAPTER 2.	R. O., ch. 37, sec. 39.
1891.	CHAPTER 1.	Sup. '01, ch. 2.
	CHAPTER 2.	Sup. '92, ch. 8.
	CHAPTER 3.	R. O., ch. 8.
	CHAPTER 4.	Sup. '94, ch. 12.
	CHAPTER 5.	Sup. '00, ch. 10.
	CHAPTER 6.	Sup. '01, ch. 12.
	CHAPTER 7.	Aff. '94, ch. 5, sec. 3; sup. '94, ch. 12.
1892.	CHAPTER 1.	Amended '97, ch. 2, sec. 1, and '01, ch. 3; sup. '02, ch. 4.
	CHAPTER 2.	Repealed '97, ch. 2.
	CHAPTER 3.	Sup. '97, ch. 3.
	CHAPTER 4.	Aff. '93, ch. 5 and '94 ch. 2; sup. '94, ch. 13, sec. 13.
	CHAPTER 5.	Sup. '94, ch. 12.
	CHAPTER 6.	Sup. '96, ch. 2.
	CHAPTER 7.	Sup. '98, ch. 5.
	CHAPTER 8.	Sup. '00, ch. 11.
	CHAPTER 9.	Sup. '00, ch. 15.
1893.	CHAPTER 1.	Repealed '98, ch. 4.
	CHAPTER 2.	Aff. '93, ch. 5 and '94, ch. 2; sup. '94, ch. 13, sec. 13.
	CHAPTER 3.	R. O., ch. 26.
	CHAPTER 4.	Repealed by Rev. Laws, ch. 52, sec. 9.
	CHAPTER 5.	Sec. 1, amended '94, ch. 1. Secs. 1-6, sup. '98, ch. 6. Secs. 7-22 repealed '94, ch. 11.
	CHAPTER 6.	Sec. 6, amended '95, ch. 9. Sec. 10, amended '94, ch. 10. Sec. 12, amended '94, ch. 10. Sup. '00, ch. 13.
	CHAPTER 7.	Sup. '94, ch. 12.
1894.	CHAPTER 1.	Sup. '98, ch. 6, sec. 1.
	CHAPTER 2.	Sup. '94, ch. 13, sec. 13.
	CHAPTER 3.	R. O., ch. 5, sec. 1.
	CHAPTER 4.	R. O., ch. 5, sec. 3.
	CHAPTER 5.	Aff. '94, ch. 12, sec. 1. Sup. '94, ch. 13.
	CHAPTER 6.	R. O., ch. 37, secs. 46 and 47.
	CHAPTER 7.	Acted on.
	CHAPTER 8.	Sup. '98, ch. 6, sec. 7.
	CHAPTER 9.	R. O., ch. 3 (except sec. 7 dropped).
	CHAPTER 10.	Sup. '00, ch. 13.
	CHAPTER 11.	Acted on.
	CHAPTER 12.	Sup. '94, ch. 11.

- CHAPTER 13. Sec. 1, amended '95, ch. 10; repealed '97, ch. 7.
 Secs. 2-8, sup. '98, ch. 6, secs. 11-17.
 Sec. 9, sup. '98, ch. 6, secs. 15 and 18.
 Secs. 10-13, sup. '98, ch. 6, secs. 19-22.
1895. CHAPTER 14. R. O., ch. 6 (except sec. 3 repealed '95, ch. 13, sec. 1).
 CHAPTER 1. Sup. '02, ch. 4.
 CHAPTER 2. Sup. '98, ch. 6, secs. 8 and 9.
 CHAPTER 3. R. O. 37, ch. 4.
 CHAPTER 4. Sup. '02, ch. 4.
 CHAPTER 5. R. O., ch. 2, sec. 1 (except sec. 2, acted on).
 CHAPTER 6. Sec. 1, acted on; see '98, ch. 6, sec. 22, and '02, ch. 1.
 Sec. 2, sup. '97, ch. 6.
 CHAPTER 7. R. O., chap. 30.
 CHAPTER 8. R. O., ch. 37, sec. 6.
 CHAPTER 9. Sup. '00, ch. 13.
 CHAPTER 10. Repeal and substitute 97, ch. 7.
 CHAPTER 11. Amended '97, ch. 4.
 CHAPTER 12. R. O., ch. 2, sec. 2.
 CHAPTER 13. R. O., ch. 6, sec. 3.
1896. CHAPTER 1. R. O., ch. 5, sec. 1.
 CHAPTER 2. Sup. '03, ch. 2.
 CHAPTER 3. R. O., ch. 33, sec. 19.
 CHAPTER 4. Sup. '99, ch. 3, sec. 9.
 CHAPTER 5. R. O., ch. 37, sec. 16.
 CHAPTER 6. R. O., ch. 35, in substance.
1897. CHAPTER 1. R. O., ch. 42.
 CHAPTER 2. Sec. 3, amended '00, ch. 2.
 Sup. '02, ch. 4.
 CHAPTER 3. Amended '00, ch. 3, sup. '02, ch. 2.
 CHAPTER 4. Sup. '99, ch. 3.
 CHAPTER 5. R. O., ch. 5, sec. 6.
 CHAPTER 6. Sup. '99, ch. 3.
 CHAPTER 7. Sec. 1 sup. '98, ch. 6, sec. 10.
 Sec. 2 sup. '98, ch. 6, secs. 22 and 26.
 CHAPTER 8. R. O., ch. 15, sec. 2.
1898. CHAPTER 1. Amended '00, ch. 4.
 R. O., ch. 18, sec. 2, and R. O., ch. 5.
 CHAPTER 2. R. O., ch. 40, sec 1-3. (Sec. 4 dropped.)
 CHAPTER 3. Aff. by '02, ch. 4, and '04, ch. 1.
 CHAPTER 4. See R. O., ch. 13, sec. 1.
 CHAPTER 5. R. O., ch. 5, sec. 1.
 CHAPTER 6. R. O., ch. 29, except—
 Sec. 1, repealed '99, ch. 1.
 Sec. 10, repealed '02, ch. 1, sec. 6.
 Secs. 22, 24 and 25, aff. '00, ch. 12, '02, ch. 1.
 Secs. 15, 22 dropped in part.
 Secs. 14, 18, 19, 20, 21, 25, 26, 27, 28, 31, 36 dropped.
1899. CHAPTER 1. R. O., ch. 29, sec. 1.
 CHAPTER 2. R. O., ch. 10, sec. 3.
 CHAPTER 3. R. O., ch. 5, secs. 6 and 7, except—
 Sec. 1, sup. '02, ch. 3.
 Sec. 6, amended '00, ch. 1.
 Sec. 9, amended '01, ch. 11.
 Affected '02, ch. 8.

- CHAPTER 4. R. O., ch. 37, sec. 24.
 CHAPTER 5. Sup. '02, ch. 6.
1900. CHAPTER 1. R. O., ch. 5, sec. 6.
 CHAPTER 2. Sup. '02, ch. 4.
 CHAPTER 3. Sup. '02, ch. 2.
 CHAPTER 4. R. O., ch. 5, sec. 1.
 CHAPTER 5. R. O., ch. 10, sec. 8.
 CHAPTER 6. R. O., ch. 18, sec. 3.
 CHAPTER 7. R. O., ch. 17, secs. 2 and 3.
 CHAPTER 8. R. O., ch. 25.
 CHAPTER 9. R. O., ch. 5, sec. 1.
 CHAPTER 10. R. O., ch. 5, sec. 1.
 CHAPTER 11. R. O., ch. 5, sec. 1.
 CHAPTER 12. Sup. '02, ch. 1.
 CHAPTER 13. Sup. '02, ch. 7.
 CHAPTER 14. R. O., ch. 5, sec. 1.
 CHAPTER 15. R. O., ch. 5, sec. 1.
1901. CHAPTER 1. R. O., ch. 5, sec. 4.
 CHAPTER 2. Sup. '03, ch. 7.
 CHAPTER 3. Sup. '02, ch. 4.
 CHAPTER 4. R. O., ch. 43, secs. 5, 7.
 CHAPTER 5. Made obsolete by Act '03, ch. 473, sec. 14.
 CHAPTER 6. R. O., ch. 37, secs. 48, 49.
 CHAPTER 7. Sup. '04, ch. 2.
 CHAPTER 8. Aff. '04, ch. 4.
 R. O., ch. 19, sec. 2.
 CHAPTER 9. R. O., ch. 37, sec. 3.
 CHAPTER 10. R. O., ch. 34, sec. 13.
 CHAPTER 11. R. O., ch. 5, sec. 7.
 CHAPTER 12. Sup. '04, ch. 3.
 CHAPTER 13. Sec. 1, R. O., ch. 34, sec. 9.
 Sec. 2, as amended by '02, ch. 5, R. O., ch. 34, sec. 10.
 Sec. 3, R. O., ch. 34, sec. 11.
 Sec. 4, R. O., ch. 36, secs. 11, 12.
 Sec. 5, R. O., ch. 34, sec. 12.
1902. CHAPTER 1. R. O., ch. 29, secs. 8, 9, 16, 18 except—
 Sec. 5 dropped.
 CHAPTER 2. R. O., ch. 5, sec. 5.
 CHAPTER 3. R. O., ch. 5, sec. 6.
 CHAPTER 4. R. O., ch. 33.
 CHAPTER 5. R. O., ch. 34, secs. 10, 21.
 CHAPTER 6. R. O., ch. 29, secs. 28-36.
 CHAPTER 7. R. O., ch. 28.
 CHAPTER 8. R. O., ch. 5, sec. 6.
1903. CHAPTER 1. R. O., ch. 43, sec. 8.
 CHAPTER 2. Sup. '04, ch. 5.
 CHAPTER 3. R. O., ch. 33, sec. 20.
 CHAPTER 4. R. O., ch. 36, secs. 11, 12.
 CHAPTER 5. R. O., ch. 5, sec. 5.
 CHAPTER 6. R. O., ch. 45.
 CHAPTER 7. R. O., ch. 5, sec. 1.
 CHAPTER 8. R. O., ch. 20, sec. 6.
 CHAPTER 9. R. O., ch. 5, sec. 1.

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1904. CHAPTER 1. R. O., ch. 33, sec. 10.
CHAPTER 2. R. O., ch. 5, sec. 1, and R. O., ch. 25, sec. 7.
CHAPTER 3. R. O., ch. 5, sec. 1.
CHAPTER 4. R. O., ch. 5, sec. 1.
CHAPTER 5. R. O., ch. 5, sec. 1.

CHARTER.

ACTS OF 1852. CHAPTER 94.

AN ACT TO ESTABLISH THE CITY OF SPRINGFIELD.

Section.

1. Inhabitants of Springfield incorporated.
2. Administration of government vested in mayor, aldermen, and common council.
3. A board to be chosen to divide the city into wards, and apportion councilmen. Revision of same to be made every five years.
4. Ward officers, when and how chosen. Powers and duties.
5. City officers, when and how chosen.
6. Time and manner of conducting city elections,—in case of vacancy—organization.
7. Mayor. Powers and duties, salary.
8. Powers of selectmen vested in mayor and aldermen. City council to elect certain officers. Powers and duties.
9. Mayor to nominate, certain persons ineligible.
10. City clerk. Duties, election, etc.
11. Overseers of the poor,—assessors,—school committee, school districts.
12. Jurors. List to be made and revised.
13. City council to be a board of health.
14. Powers of city council relating to highways.
15. Powers of city council relating to sidewalks, sewers, and drains, inspection of lumber, wood, coal, etc.

Section.

16. Fines, forfeitures, and penalties, how recovered.
17. City council shall determine the number of representatives to General Court.
18. Manner of conducting general elections.
19. Lists of voters to be made out.
20. General meeting of citizens to be called.
21. Fire department established. Fire districts may be dissolved.
22. Police court established, powers, duties, jurisdiction, appeals, etc.
23. Warrants, how returnable.
24. Fines, forfeitures, and fees, by whom received and accounted for.
25. Time and place of holding, and rules of police court.
26. Salary of police justice.
27. Records, returns, and accounts provided for.
28. Pending actions
29. Special justices, powers, duties, pay, etc.
30. Governor may appoint.
31. Duties of selectmen in organizing the city government, and proceedings thereafter.
32. Annual town meeting suspended, proviso.
33. Records and town papers to be delivered to city clerk.
34. Acts repealed.
35. Legislature may amend.
36. Acts shall be void, unless adopted within twenty days.
37. Act takes immediate effect.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The inhabitants of the town of Springfield shall continue to be a body politic and corporate, under the name of the City of Springfield, and, as such, shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now incumbent upon, and appertaining to, said town as a municipal corporation.

Inhabitants of Springfield made a body corporate as the city of Springfield.

Government vested in a mayor, eight aldermen, and eighteen common councilmen.

Quorum.

No compensation.

Powers vested in the municipal corporation.

Five men to be chosen by ballot at the meeting for accepting charter, who shall divide the town into eight wards.

Shall apportion the members of common council.

City council shall revise the wards once in five years.

SECT. 2. The administration of the fiscal, prudential, and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor ; one council of eight, to be called the board of aldermen ; and one council of eighteen, to be called the common council, which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services. All the powers now vested by law in the town of Springfield, or in the inhabitants thereof, as a municipal corporation, shall be vested in the city council, and shall be exercised by concurrent vote, each board having a negative on the other.

SECT. 3. A board of five men shall be chosen by ballot by the inhabitants of the town of Springfield, at the town meeting to be held for the purpose of voting upon the acceptance of this act, according to the provisions of the thirty-sixth section of this act, an article being inserted in the warrant for said meeting for that purpose, and said board of five men thus chosen, as soon as may be after they are thus chosen, and after the acceptance of this act by the inhabitants, as hereinafter provided, shall divide said town into eight wards, in a convenient manner, so as best to accommodate the inhabitants of the several wards, to meet within the same for municipal purposes. And they shall then apportion the members of the common council among the several wards, by first assigning to each ward one member, and dividing the residue, as near as may be convenient and equitable, according to the population of the several wards. The city council first chosen after this act shall take effect, and thereafter, once in five years, and not oftener, shall revise, and if it be needful, alter said wards in such manner as may be most convenient to the inhabitants, and shall re-apportion the members of the common council among the several wards, according to the principles herein prescribed for the original division and apportionment by the said board of five men.*

* Revision to be made in 1895 before May 1 of that year, and every ten years thereafter, Acts of 1888, ch. 437, R. L., ch. 11.

SECT. 4.* On the first Monday of December, annually, there shall be chosen by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of the wards in which they are chosen, who shall hold their offices for one year, and until others have been chosen in their places, and qualified to act. The warden shall preside at all meetings, with the powers of moderator of town meetings. And if the warden shall not be present, the clerk shall preside until a warden *pro tempore* shall be chosen by ballot. If, at any meeting, the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all proceedings, and certify the votes given, and deliver over to his successor all such records and journals, together with all other documents and papers, held by him in said capacity. The inspectors of elections shall assist the warden in receiving, assorting, and counting the votes. And the warden, clerk, and inspectors shall respectively make oath faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Hampden. A certificate that said oaths have been taken shall be entered upon the records of the ward, by the clerk. All warrants for the meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and be served, executed, and returned in such manner, and at such times, as the city council may by any by-law direct.

SECT. 5. The mayor and aldermen (not more than two aldermen being residents of any one ward), the city clerk, city treasurer, and a school committee of eight persons (one of whom shall be taken from each ward) shall be elected at large, by the qualified voters of the city, voting in their respective wards.† And the common councilmen shall be elected from and by each ward, being residents in the wards in which they are elected. All of said officers shall be chosen by ballot,

Election of wardens, clerks, and inspectors on first Monday in December.

Warden to preside, or the clerk in his absence, until, etc.

Clerk *pro tem.* may be chosen.

Duties.

Duties of inspectors.

Oaths of ward officers, how administered.

Warrants for meetings, how issued, served, etc.

City officers, how elected; where resident.

All chosen by

* Provisions concerning election and duties of wardens, clerks, and inspectors superseded by R. L., ch. 11, sects. 171-185, as amended by Acts of 1903, ch. 454, sect. 9. Date of election changed to Tuesday next following first Monday, see Acts of 1874, ch. 20, Acts of 1890, ch. 423, sect. 142, R. L., ch. 11, sect. 3.

† As to residence and election of aldermen see Acts of 1885, ch. 65, also Acts of 1901, ch. 147, *post* pg. 39.

ballot, to hold
office one year
until, etc.

and shall hold their offices for one year from the first Monday in January ; and the mayor, city clerk, and city treasurer, until others shall be elected and qualified in their places.*

Time of
holding election.

SECT. 6. On the first Monday † in December, annually, the qualified voters, in each ward, shall give in their votes for [a ward clerk, warden, and inspectors, and for] mayor, aldermen and common councilmen, city clerk, city treasurer, and eight persons at large to be a school committee. ‡ All the votes so given shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward records, in words at length. The ward clerk, within twenty-four hours after such election, shall deliver to the persons elected members of the common council, certificates of their elections, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the records of such election certified in a like manner. *Provided*, that if the choice of common councilmen, [ward clerk, warden, or inspectors,] shall not be effected on that day, the meeting may be adjourned from time to time, to complete such election. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who may have been elected mayor to be notified, in writing, of his election ; but if it shall appear that no person has received a majority of the votes, or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are hereinbefore provided for the choice of mayor, and repeated from time to time, until a mayor is chosen. If it shall appear that the whole number of aldermen have not been elected, the same proceedings shall be had as are hereinbefore prescribed for the choice of mayor. And each alderman

Votes given, how
sorted and
counted, etc.

Duty of ward
clerks in certify-
ing, etc.

Provido.

Board of alder-
men examine the
returns and notify
the mayor-elect.

In case of fail-
ure to elect, non-
acceptance, etc.

In regard to
aldermen also.

* Aldermen and councilmen to serve for two years, etc., Acts of 1901, ch. 147.

† Changed to Tuesday next following first Monday, see R. L., ch. 11, sect. 3.

‡ School committees may be of any number divisible by three, R. L., ch. 11, sect. 334, term of office to commence at same time with that of members of city council, R. L., ch. 42, sect. 25. Ward or precinct officers to be appointed by the mayor with the approval of the board of aldermen ; for appointment and duties, see R. L., ch. 11, sects. 171-185, as amended by Acts of 1903, ch. 454, sect. 9.

shall be notified, in writing, of his election, by the mayor and aldermen for the time being.

In case of the decease, resignation, or absence of the mayor, or of physical inability to perform the duties of his office, the board of aldermen and the common council shall, respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon, the two boards shall meet in convention and elect a mayor for the time being, who shall serve until another is chosen, or until the occasion causing the vacancy is removed.* The oaths prescribed by this act may be administered to the mayor by the city clerk or any justice of the peace for the county of Hampden.

In case of decease, etc., of the mayor, may meet in convention, and fill vacancy, etc.

Oaths, how administered.

Provisions for the organizations of the city government.

In case no mayor has been elected, etc.

The aldermen and common councilmen elect shall on the first Monday in January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to them by the mayor, or any justice of the peace for the county of Hampden, and a certificate setting forth that such oath has been taken, shall be entered on the journal of each board by their respective clerks. When it shall appear that no mayor has been elected previous to the first Monday in January, the mayor and aldermen for the time being shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention to be held as aforesaid. After the oath has been administered, the two boards shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices during the pleasure of the common council; the clerk to be sworn to the faithful performance of the duties of his office. In case of the absence of the mayor elect on the first Monday in January, the city government shall organize itself as hereinbefore provided, and may proceed to business in the same manner as if the mayor were present; and, at any time thereafter, in convention of the two branches, the oath of office may be administered to the mayor, and to any member of the city council who may have been absent at the organization. In the absence of the mayor at any meeting, the board of aldermen may choose a presiding officer, *pro tempore*, who shall also preside at joint meetings of the two boards. Each board shall keep a record of its own proceedings, and judge of the election of its own mem-

In case of absence of mayor on 1st Monday of January,

or at any meeting of the board.

Each board to keep records and be judge of its

* For general law as to vacancy in the office of mayor, see R. L., ch. 26, sects. 29, 30.

own elections, etc. bers. In case of failure of election, or in case of
 Vacancies, how vacancies declared by either board, the mayor and
 filled. aldermen shall issue their warrants for a new election.

Mayor to be chief
 executive officer,
 his duties, etc.

SECT. 7. The mayor shall be the chief executive officer of said city. He shall be vigilant and active in causing the laws, and all by-laws and ordinances of the city, to be enforced, and keep a general supervision over the conduct of all subordinate officers. And whenever, in his opinion, the public good requires it, he may, with the consent of the appointing power, remove from office any officer over whose appointment he has the power of nomination. He may call special meetings of the board of aldermen and common council, or either of them when in his opinion the interests of the city require it, by causing notices to be left at the places of residence of the several members. He shall communicate, from time to time, to both boards, such information, and recommend such measures, as in his opinion, the business and interests of the city may require. He shall preside in the board of aldermen, and in the convention of the two boards, but shall have only a casting vote.* His salary, for the first year in which this charter shall take effect, shall be four hundred dollars, and no more; and it shall afterwards be fixed by the city council; and it shall neither be increased nor diminished during the year for which he is chosen: *Provided*, that the city council may appoint the mayor commissioner of highways, when in their opinion such an officer is necessary, and allow him a suitable compensation therefor.

Power of
 removal, etc.

May call special
 meetings, etc.

Shall communi-
 cate information.

Shall preside, etc.

Salary.

Proviso.

Powers vested in
 mayor and alder-
 men.

May appoint
 constables,
 marshals, etc.

May require
 bonds.

SECT. 8. The executive power of said city generally, and the administration of police, with all the powers heretofore vested in the selectmen of Springfield, shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with the powers and duties of constables, and all other police officers, and the same to remove at pleasure. They may require any person appointed a marshal or constable of the city to give bonds, with such security as they may deem reasonable, before he enters upon the duties of his office;

* Mayor given veto power, R. L., ch. 26, sect. 9; not to vote when he acts as presiding officer in meetings of the board of aldermen or in conventions of the two branches of the city council, R. L., ch. 26, sect. 11.

upon which bonds the like proceedings and remedies may be had as upon constables' bonds taken by selectmen of towns. The mayor and aldermen shall have exclusive power to grant licenses to inn-holders, victualers, and retailers as fully as the same powers are possessed by the mayor and aldermen of the city of Boston.

Exclusive power to grant licenses, etc.

The city council shall, annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, three assessors, a collector of taxes, three persons to be overseers of the poor,* and a chief engineer and as many assistants, not exceeding twelve, as they may by vote determine, and fix their compensations, and the compensations of the city clerk, city treasurer, and school committee.† They shall also, in such manner as they shall determine by any by-law, appoint, or elect, all other subordinate officers not herein otherwise directed for the ensuing year, and define their duties and fix their compensations in cases where the same are not defined and fixed by the laws of the Commonwealth. All sittings of the mayor and aldermen, and of the common council, shall be public, when they are not engaged in executive business.

Election of assessors, collectors, overseers of the poor, etc.

Compensation.

Subordinate officers, how appointed, etc.

All sessions public.

The city council shall take care that no moneys are paid from the treasury, unless granted or appropriated ; shall secure a just and proper accountability by requiring bonds, with sufficient penalties and sureties, from all persons intrusted with the receipt, custody, or disbursement of money ; shall have the care and superintendence of the city buildings and the custody and management of all the city property, with the power to let or to sell what may be legally sold, and to purchase property, real or personal, in the name and for the use of the city, whenever the interest or convenience of the inhabitants may, in their judgment, require it. And they shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property.

No moneys paid unless granted, etc.

Under proper accountability.

Superintendency of public buildings.

Accounts to be published annually.

SECT. 9. In all cases in which appointments are directed to be made by the mayor and aldermen, the

Mayor nominates, aldermen confirm.

* Election of city officers to be by *viva voce* vote, R. L., ch. 26, sect. 7; see amendment to Charter, Acts of 1873, ch. 126, as to election and terms of office of assessors, assistant assessors, and overseers of the poor.

City physician made, *ex officio*, member of board of overseers of the poor of the city, Acts of 1878, ch. 97.

† To be fixed by concurrent vote of council, see amendment to Charter, Acts of 1853, ch. 175.

Aldermen and
common council-
men ineligible.

mayor shall have the exclusive power of nomination, such nomination being subject to be confirmed or rejected by the board of aldermen. No person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of his election or appointment, shall be a member of the board of aldermen, or of the common council; and no member of either board shall hold any other office under the city government.*

Vacancy of clerk
and treasurer,
how filled.

SECT. 10. Should there fail to be a choice of city clerk, or of city treasurer, as herein provided; or should a vacancy occur in either of said offices during the year, such vacancy shall be filled by the city council in convention. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen; and he shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in, the town clerk of the town of Springfield. He shall be chosen for one year and until another shall be chosen and qualified in his place, and he shall deliver to his successor in office, as soon as he is qualified, all records, books, papers, documents, or property held by him as city clerk.

City clerk to be
clerk of board of
aldermen.

His duties, etc.

Shall be chosen
for one year and
until, etc.

Board of
overseers of the
poor.

SECT. 11. The persons chosen by the city council to be overseers of the poor shall, with the mayor, constitute the board of overseers of the poor, of which the mayor shall be chairman; and they shall have all the powers, and be subject to all the duties, now by law appertaining to the overseers of the poor for the town of Springfield.†

Powers, duties,
etc.

Powers and
duties of assess-
ors.

Taxes, how
assessed, etc.

Providso.

Vacancies in
school commit-
tee, how filled.

The persons chosen by the city council as assessors shall constitute the board of assessors, and shall exercise the powers and be subject to the duties and liabilities of assessors in towns. All taxes shall be assessed, apportioned, and collected in the manner prescribed by law relative to town taxes: *Provided*, that the city council may establish further and additional provisions for the collection thereof. Should there fail to be a choice of members of the school committee, as herein provided, or should a vacancy occur during the year, the vacancy or vacancies shall be filled by the city

* No member of city council to be interested in a private capacity in city contracts, or receive presents, etc., see R. L., ch. 210, sect. 9.

† See amendment to Charter, 1873, ch. 126, sect. 3. City physician made member of board, *ex officio*, Acts of 1878, ch. 97.

council in convention. The persons chosen as school committee shall have the care and superintendence of the public schools, and shall have all the powers, and perform all the duties, of town school committees.*

Duties of school committee.

The limits of the several school districts in the said town of Springfield shall be abolished, and the several districts shall be united under one organization; and the school committee, which shall be chosen according to the provisions of the fifth section of this act, shall have the same rights and powers, and perform the same duties, which the several district prudential committees now have and exercise in the said town of Springfield:

School districts abolished.

Further duties of school committee.

Provided, that the inhabitants of the several school districts in said town, at any legal meeting of the qualified voters thereof, called for the purpose, shall within ninety days from the acceptance of this act by the inhabitants of Springfield, as hereinafter provided, vote to dissolve their several district organizations and dispose of their school district property.

Proviso.

If the said several school districts shall vote as hereinbefore provided, to dissolve their several organizations and dispose of their district property, said districts shall thereafter be dissolved, and their powers and privileges, and their duties and liabilities, shall cease: *Provided*, that the said districts shall continue liable to pay all their existing debts and to perform all legal contracts.

In case school districts are dissolved, their duties, etc., cease.

Proviso.

If the said districts shall by vote so elect, the city shall take the property of said districts.

City to take the property of the districts.

If the said districts shall vote, as aforesaid, to dissolve their several organizations and dispose of their district property, the mayor of said city shall return to the Court of Common Pleas then next to be holden at said Springfield after the said votes have been passed, his certificate of the fact that the several school districts have so voted; and the said Court of Common Pleas, upon the filing of said certificate, shall appoint three disinterested commissioners, not citizens of said city, who, after due notice to the said several districts and said city, shall proceed to award and determine upon what terms the property of said districts shall be surrendered to said city, and in what manner the debts of the several districts shall be paid; and said commissioners shall return their said award to the Court of

Mayor to certify to court of common pleas the dissolution of school districts.

Three commissioners to be appointed on the property and debts of the districts.

Commissioners to make returns, etc.

* See as to superintendent of schools, R. L., ch. 42, sects. 40-42.

Common Pleas next to be holden at Springfield after their appointment, and said award, after being accepted by the said court, shall be binding on the said city and said several districts, and said commissioners shall be paid for their services by the said city.

If districts are not dissolved, to remain as they are till altered by city council, etc.

If the several school districts shall not, within ninety days from the acceptance of this act by the said town of Springfield, vote, as above provided, to dissolve their several organizations and dispose of their property, then the limits of the several school districts, in the said town of Springfield, shall remain as they now are, until altered by the city council; and the said school districts shall retain their present organization and all their district property; and the said districts, and their several prudential committees, shall have the same rights and powers, and perform the same duties, which they now have and perform in the said town of Springfield.

Duties of prudential committee.

List of jurors made by mayor and aldermen, and submitted to common council.

SECT. 12. The list of jurors shall be prepared by the mayor and aldermen in the same manner as is required in the ninety-fifth chapter of the Revised Statutes to be done by the selectmen within and for their respective towns; and the lists, when made out by the mayor and aldermen, shall be submitted to the common council for concurrent revision or amendment.*

Duties of mayor, aldermen, and city clerk in regard to drawing jurors.

The mayor and aldermen, and the city clerk, shall severally have and exercise all the powers and duties, with regard to the drawing of jurors in the city and all other matters relating to jurors therein, which are in the ninety-fifth chapter of the Revised Statutes required to be performed by the selectmen and town clerks in their respective towns; and all venires for jurors to be returned from Springfield shall be served on the said mayor and aldermen.†

City council made a board of health.

SECT. 13. All power now by law invested in the board of health of the town of Springfield shall be transferred to and vested in the city council, to be carried into execution by the appointment of health commissioners, or in such manner as the city council may judge expedient.

City council to lay out streets within the city, and have concurrent power with county commissioners.

SECT. 14. The city council shall have exclusive authority and power to lay out, alter, or discontinue any street or way, the *termini* of which are entirely

* Jury lists to be prepared by board of registrars of voters, R. L., ch. 176, sects. 4-7.

† See R. L., ch. 176, sects. 10, 18.

within the city, and concurrent power with the county commissioners, to lay out* any other highway in the city, and to estimate the damages any person may sustain thereby; but all questions relating to the laying out, accepting, altering, or discontinuing any street or way, shall first be acted upon by the mayor and aldermen. Any person dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Hampden, at any meeting holden within one year after such decision, whereupon the same proceedings shall be had as are now provided by law, in cases where persons are aggrieved by the assessment of damages by selectmen, in the twenty-fourth chapter of the Revised Statutes.†

Persons dissatisfied may appeal.

SECT. 15. The city council may cause suitable sidewalks to be made and repaired in such places as they may judge best; and they shall assess the expenses thereof upon the persons owning the lands or estates against which such sidewalks are so made or repaired, apportioning the same equitably, where there are two or more adjacent owners. They may cause drains and common sewers to be laid down through any streets or private lands, paying the owners of lands such damages as they may sustain thereby, and may require all persons to pay a reasonable sum for the privilege of opening any drain into a public drain or common sewer; and they may also require private drains to be conducted into a public drain or common sewer when they shall judge the same necessary for the health or cleanliness of the city. In default of payment of any assessment made in pursuance of the provisions of this section, in a reasonable time after notice thereof, the amount so unpaid may be added to the taxes of the party so deficient, and collected by the collector with other city taxes.

City council may cause sidewalks to be made and repaired.

May make sewers and drains.

Unpaid assessments added to taxes.

The city council may make by-laws, with suitable penalties, for the survey, inspection, admeasurement, and sale, of lumber, wood, coal, and bark, brought into the city for sale; and all such other salutary and needful by-laws as towns may make and establish, and may

Survey and inspection of lumber, wood, coal, etc.

* "Alter or discontinue" inserted after words "concurrent power with the county commissioners to lay out," Amendment to Charter, Acts of 1873, ch. 126.

† R. L., ch. 48. May locate anew, Acts of 1863, ch. 204. See also Acts of 1867, ch. 94, extending to Springfield provision of Acts of 1866, ch. 174, as to Boston. See as to Board of Public Works, Acts of 1872, ch. 334, *post* page 131.

By-laws to be published.	annex penalties thereto, not exceeding twenty dollars for the breach thereof; which by-laws shall be in force from and after the time therein respectively limited, without the sanction of any court or other authority. All such by-laws, and all city ordinances, shall be published in such newspaper as the city council shall direct; and all by-laws now in force, in the town of Springfield, shall remain in force until they expire by their own limitation, or are revised or repealed by the city council.
Town by-laws to remain in force until, etc.	
Fines and penalties for breach of by-laws, how prosecuted and recovered.	SECT. 16. All fines, forfeitures, and penalties accruing for the breach of any by-law of the city, or of any ordinance of the city council, or of any of the orders of the mayor and aldermen, shall be prosecuted for and recovered before the Police Court of the said city of Springfield, by complaint or information, in the name of the Commonwealth, in the same manner in which other criminal offenses are now prosecuted before the justices of the peace within this Commonwealth, reserving, in all cases, to the party complained of and prosecuted, the right of appeal to the Court of Common Pleas for the trial of criminal causes, then next to be holden in the county of Hampden, from such judgment and sentence of the Police Court. Such appeal shall be allowed on the same terms, and the proceedings be conducted therein in the same manner, as is provided in the one hundred and thirty-eighth chapter of the Revised Statutes.* In all such prosecutions it shall be sufficient to set forth in the complaint, the offense, fully, plainly, substantially, and formally, and it shall not be necessary to set forth such by-law, ordinance, or order, or any part thereof. When such complaint is made by any person not an officer of the city, no warrant shall issue thereon until the complainant shall recognize, with sufficient surety, to the satisfaction of the justice of said Police Court, conditioned to pay all the costs of such prosecution in case the person complained of shall not be convicted thereon. And in case of default of such recognizance, the same may be enforced, and the same proceedings had thereon, as in case of a recognizance to prosecute an appeal from the judgment of such justice. All fines, forfeitures, and penalties, and all costs, so recovered and paid, shall be paid to the treasurer of said city, and shall inure to such uses as the city council shall direct.
Right of appeal to court of common pleas.	
Complaint how set forth.	
Recognizances for costs, etc.	
Defaults of recognizances, how prosecuted.	
Fines paid to city treasurer.	

* Appeal to Superior Court, R. L., ch. 219, sects. 22-30.

When any person, upon conviction before the Police Court for breach of any by-law of said city, or any ordinance of the city council, or any order of the mayor and aldermen, shall be sentenced to pay a fine, penalty, or forfeiture, and shall refuse or neglect to pay the same, or, upon claiming an appeal, shall fail to recognize according to law, he shall be committed to prison, there to remain until he shall pay such fine, penalty, and forfeiture and costs, or be otherwise discharged according to law. And the provisions of this section shall also apply to all prosecutions, founded upon the by-laws or ordinances of the town of Springfield, which may continue in force after this act shall go into operation.

Persons neglecting to pay fines, how punished.

This section applies also to town by-laws.

SECT. 17. The city council shall, annually, in the month of October, meet in convention and determine the number of representatives to be elected by the city to the General Court in such year, which shall be conclusive. And the number thus determined shall be specified in the warrants calling meetings for the election of representatives.*

City council determine the number of representatives, etc.

SECT. 18. All elections for county, state, and United States officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the times fixed by law for these elections respectively; and at such meetings all the votes given for said several officers, respectively, shall be assorted, counted, declared, and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record, in words, at length.† The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections; the city clerk shall forthwith record such returns; and the mayor and aldermen shall, within two days after every such election, examine and compare all such returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns. And in all elections for representatives to the General Court, in case the whole number proposed to be elected shall not be chosen by a

Election of county, state, and United States officers provided for.

Duty of ward clerks, of city clerks, of mayor and aldermen.

Returns, how made.

New elections to fill vacancies.

* See Amendment to Constitution, Article 21, Revised Laws, page 47.

† For changes made by general laws, etc., see R. L., ch. 11.

majority of the votes legally returned, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.*

List of voters.

SECT. 19. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' book and lists, and be entitled to the assistance of all assessors and other city officers. They shall deliver the lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections: †*Provided*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon, at any time thereafter before the closing of the polls, upon presenting to the ward officers a certificate signed by the mayor or city clerk, by order of the board of aldermen, setting forth his right to have his name thus entered.

List to be delivered to ward clerks.

Proviso, in regard to names omitted.

General meeting to be called on request of thirty voters.

SECT. 20. General meetings of the citizens qualified to vote may, from time to time, be held, to consult upon the public good; to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the right secured to the people by the Constitution of this Commonwealth. And such meetings shall be duly warned by the mayor and aldermen, upon the request in writing, setting forth the purposes thereof, of thirty qualified voters.

Fire department established.

SECT. 21.‡ A fire department is hereby established in said city, with all the powers and privileges, and subject to all the duties and liabilities, set forth and contained in an act entitled "An Act to regulate Fire Departments," passed on the ninth day of April, in the year one thousand eight hundred and thirty-nine, and the city council shall possess all the powers, and perform all the duties imposed and conferred by said act upon the selectmen of towns. The inhabitants of any fire district, organized according to law in the town of Springfield, at any legal meeting of the qualified voters

Present fire districts may dissolve, and dispose of apparatus.

* See Constitution, Article 14, Revised Laws, page 45; also R. L., ch. 11.

† For changes made by general laws, see R. L., ch. 11.

‡ See part repeal of section 21 and substitute act in amendment, Acts of 1853, ch. 175, page 33.

thereof, called for the purpose, may vote to dissolve their said fire district, and to annul the organization thereof, and may dispose of the fire apparatus and other property of the district, and appropriate the proceeds thereof in such manner as they judge best, and thereafter such fire district shall be dissolved, and their powers and privileges, and their duties and liabilities, shall cease: *Provided*, that the said district shall continue liable to pay all their existing debts and to perform all legal contracts. If the said district shall by vote so elect, the city shall purchase the fire apparatus and other property of such district, at a fair valuation, not exceeding the amount paid by the district therefor, exclusive of anything paid by the town of Springfield towards the same, and shall pay the debts and liabilities of the district, so far as the amount of such valuation may be sufficient therefor. And if the amount of the valuation exceeds the amount of the debts and liabilities of the district, such excess shall be allowed upon and deducted from the city taxes then next assessed upon the inhabitants of such fire district, in the proportion severally assessed upon them in the tax lists by the assessors.

Proviso.

If districts elect, the city shall purchase their fire apparatus, pay debts and deduct excess from city taxes.

SECT. 22. A Police Court is hereby established in said city, to consist of one learned, able, and discreet person, to be appointed and commissioned by the governor, pursuant to the constitution, to take cognizance of all crimes, offenses, and misdemeanors committed within said city whereof justices of the peace now have, or may hereafter have, jurisdiction.* And the court hereby established shall hear and determine all suits, complaints, and prosecutions, in like manner as is by law provided for the exercise of the powers and authority which are, or may be, vested in justices of the peace, and shall do all acts necessary to and consistent with such powers and authority. And the said Police Court shall also have original jurisdiction and cognizance of all suits and actions which may now, or at any time hereafter, be heard, tried, and determined before any justice of the peace in the county of Hampden, and exclusive jurisdiction whenever all the parties reside in Springfield, and service of the writ is had on the defendant in said county; and no writ, in any

A police court established.

Its powers, duties, etc.

Its jurisdiction, etc.

* Jurisdiction extended to include Wilbraham, Agawam, Longmeadow, West Springfield, Hampden and East Longmeadow, Acts of 1874, ch. 180. R. L., ch. 160, sect. 2.

such action or suit, shall be made returnable before any justice within said city of Springfield, but to said Police Court only ; and an appeal shall be allowed from all judgments of said Police Court, in like manner and to the same extent that appeals are now allowed by law from judgments of justices of the peace ; and the justices of said Police Court shall not be of counsel or attorney to any party in any matter or thing whatever which may be pending in said court, or which shall have been previously determined before himself.*

Appeals, etc.

Justices not to be counsel, etc.

Warrants, how returnable, etc.

SECT. 23. All warrants issued by said court shall be made returnable and shall be returned before said court, and no warrant shall be issued by any justice of the peace within the county of Hampden, except by the standing justice or one of the special justices of said court, for any crime or offense committed within said city of Springfield.

Fines, etc., how received and paid.

Other costs, how accounted for and paid over, etc.

SECT. 24. All fines and forfeitures, and all fees in criminal cases, now allowed by law to justices of the peace, which shall be received by, or paid into the hands of, the justice of said court, shall be by him accounted for and paid over to the treasurer of said city ; and all other costs in criminal prosecutions, which shall be paid to the justice of said court, shall be by him accounted for and paid over to the same persons, in the same manner, and under the same penalties for neglect, as are by law prescribed in the case of justices of the peace, and all costs in such prosecutions, not thus received, shall be made up, taxed, certified, and allowed, and shall be paid and satisfied, in like manner as is provided by law in cases of justices of the peace ; and in all cases where fines, forfeitures, and costs are not paid to the justice of said court, but are by him taxed and certified, and are allowed, in the manner now prescribed by law, and such fines and costs are subsequently paid to the treasurer of the county of Hampden, the justice's fees so taxed and paid shall accrue to the county aforesaid ; and in all cases where said justice's fees are so

* Office of clerk of Police Court established, Gen. Stat., ch. 116 ; provisions as to election of clerks, Acts of 1866, ch. 169 ; as to appointment by governor for Springfield and fixing salary at \$1,000, Acts of 1872, ch. 163 ; clerk to be appointed and commissioned by governor, Acts of 1876, ch. 141 ; all clerks of Police Courts to be appointed by governor, Acts of 1877, ch. 210 ; clerk's salary increased to \$1,200, Acts of 1874, ch. 180 ; reduced to \$1,000, Acts of 1879, ch. 232 ; increased to \$1,200, Acts of 1886, ch. 155 ; increased to \$1,400, Acts of 1889, ch. 28 ; increased to \$1,800, Acts of 1904, ch. 453 ; to have clerical assistance, Acts of 1906, ch. 331 ; may appoint assistant clerk with salary of \$600, assistant clerk's salary increased to \$1,200, Acts of 1904, ch. 453.

taxed and certified by the justice of said court, and are allowed, but are not subsequently paid to the treasurer of said county, the said county of Hampden shall be discharged from all obligations to pay said magistrate's fees to any person whatsoever.*

SECT. 25. A court shall be held by said justice, at some suitable and convenient place to be provided at the expense of said city,† on two several days of each week, at nine of the clock in the forenoon, and as much oftener as may be necessary, to take cognizance of crimes, offenses, and misdemeanors, and on one day in each fortnight, at ten of the clock in the forenoon, and may be adjourned from day to day, by the justice thereof, and at such other times as may be necessary, for the trial of civil suits and actions; and the justice of said court shall, from time to time, establish all necessary rules for the orderly and uniform conducting of the business thereof. Complaints may be received and warrants issued by him at all reasonable times when said court is not in session.

Time and place of holding the court.

Purpose.

Justice may establish rules, etc.

SECT. 26. The justice of said court shall receive from the treasurer of said city, an annual salary of seven hundred dollars in quarterly payments; and he shall be allowed, as a compensation for his services in the trial and determination of civil suits, cognizable by said court under this act, to tax, receive, and retain the same fees now allowed by law to justices of the peace in civil cases.‡

Salary and fees.

SECT. 27. The justice of said court shall keep a fair record of all proceedings in said court, and shall make return to the several courts of all legal processes, and of his doings therein, in the same manner as justices of the peace are now by law required to do; and he shall also, annually, in the month of January, exhibit to the mayor and aldermen of said city, a true and faithful account of all moneys received by him.§

Records, returns, and accounts provided for.

* As to fines, costs, and expenses of prosecution, see R. L., chs. 204, 221, 160, sect. 15.

† Court to be always open, R. L., ch. 160, sect. 39; expenses paid by county, R. L., ch. 160, sect. 40.

‡ Salary fixed at \$1,500, General Statutes, ch. 116, sect. 33; increased to \$2,000, Acts of 1868, ch. 330; increased to \$2,400, Acts of 1874, ch. 180; decreased to \$1,800, Acts of 1879, ch. 232, paid by Commonwealth; increased to \$2,000, Acts of 1887, ch. 171; salaries to be paid by and fees to be paid to county, P. S., ch. 154; salary increased to \$2,200, Acts of 1897, ch. 359; increased to \$3,000, Acts of 1904, ch. 453.

§ Duties as to records and accounts now devolve on clerk, R. L., ch. 160.

Pending actions.	SECT. 28. All suits, actions, and prosecutions, which shall be instituted and pending before any justice of the peace within the town of Springfield, when this act shall take effect, shall be heard and determined as though this act had not been passed.
Special justices.	SECT. 29. There shall be appointed by the governor, by and with the advice and consent of the council, two special justices of said court ; and whenever it shall happen that the standing justice of said court shall be interested in any suit or prosecution cognizable in said court, or shall from any cause be unable to hold such court, or discharge any of the duties required of him by this act, the said special justices shall have power to issue the processes of said court, and to hear and determine any matter or cause pending therein, the said cause being assigned on the record by the standing or special justice ; and such special justice shall be paid, for services so rendered, by the standing justice, out of his salary, such sums as justices of the peace are paid for like services.*
Their duties, powers, etc.	SECT. 30. The governor shall have power, by and with the advice and consent of the council, to appoint said justice and special justices, at any time after the passing of this act.
How paid.	SECT. 31. For the purpose of organizing the system of government hereby established and putting the same into operation in the first instance, the selectmen of the town of Springfield, during the months of April or May of the present year, shall, seven days before the day of meeting, issue their warrants for calling meetings of the citizens in their several wards, at such place and hour as they may deem expedient, for the purpose of choosing a warden, clerk, and inspectors of each ward, and all other officers whose election is provided for in the preceding sections of this act ; and they shall appoint a clerk <i>pro tempore</i> of each ward, who shall call the meeting to order and preside until a warden is chosen. The transcripts of the record of each ward, specifying the votes given for the several officers, certified by the warden and clerk, and by a majority of the inspectors of such ward, at such first meeting, shall be returned to the selectmen, who shall examine and compare the same ; and in case such elections should not be completed at the first meeting, they shall issue warrants for a new meeting until said elec-
Governor may appoint said justices at any time, etc.	
Duties of the selectmen in organizing the city government.	
Shall issue warrants, etc.	
Appoint ward clerks <i>pro tem</i> .	
Returns, how made, etc.	

*For compensation of special justices, see R. L., ch. 160, sect. 69.

tions shall be completed. They shall give notice of such elections, in the manner herein before directed, to the several persons elected. At said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk *pro tempore* of each ward, to be used as before directed. The selectmen shall appoint such time for the first meeting of the city council, as they judge proper, after the choice of said city officers, or of a majority of the members of both branches of the city council, not later than the first Monday in June next, and shall appoint the place and hour of said first meeting. A written notice thereof shall be sent, by the selectmen, to the place of abode of each of the city officers so chosen ; and notice of the day, hour, and place of said meeting shall be published in one or more newspapers printed in said town.

Shall notify persons elected.

First meeting of city council.

How notified.

After the first organization of the city council, the meetings for the annual elections and for the organization of the city council, shall be as provided in the sixth section of this act.

Annual elections, when held.

The city council, immediately after the first organization, shall elect all necessary city officers, who shall hold their offices respectively until others are chosen and qualified.

City council shall elect all necessary officers, etc.

At the meetings to be called, as prescribed in this section, for the choice of ward and city officers, the qualified voters shall also give in their votes for county officers, which votes shall be recorded, certified, and returned in the manner provided in the seventeenth section of this act.

County officers, how chosen, etc.

SECT. 32. The annual town meeting for the town of Springfield, which, by law, is to be holden in March or April, is hereby suspended, and all town officers now in office shall hold their places until this act shall take effect and their successors are chosen and qualified. And in case this charter shall not be accepted as herein-after provided, the selectmen shall issue their warrants, according to law, for holding the annual town meeting of the inhabitants, in which all the proceedings shall be the same as if this act had not been passed.

Annual town meetings suspended.

Present officers hold over.

Provision in case the charter is not accepted.

SECT. 33. All officers of the town of Springfield having the care and custody of any of the records, papers, or property belonging to the town, shall deliver the same to the city clerk within one week after his entering upon the duties of his office.

Town's papers and property delivered over, etc.

Acts repealed.

SECT. 34. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Legislature may amend.

SECT. 35. Nothing in this act contained shall be so construed as to prevent the Legislature from altering or amending the same when they shall deem it expedient.

Act void unless adopted within twenty days, etc.

SECT. 36. This act shall be void unless the inhabitants of the town of Springfield, at a legal town meeting called for the purpose, shall, by vote of a majority of the voters present and voting thereon by a written ballot, determine to adopt the same within twenty days from and after its passage ; at which meeting the polls shall be kept open not less than six hours ; and the presiding officer, in receiving said ballots, shall use the check-lists in the same manner as they are used in elections of state officers.

Takes effect.

SECT. 37. This act shall go into operation from and after its passage.*

* This act was adopted by a vote of 969 yeas to 454 nays at a meeting held April 21, 1852.

NOTE.—An act was passed in 1877 to revise and amend the charter of the city, but was not accepted by the people. It may be found in Acts of 1877, ch. 146.

AMENDMENTS TO CHARTER.

ACTS OF 1853. CHAPTER 175.

AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF SPRINGFIELD.

Section.

1. Section 21, relating to fire department repealed.
2. City council may establish fire department, prescribe rules, etc.

Section.

3. Engineers and other officers, their powers and duties.
4. Compensation of certain officers, how fixed.

Be it enacted, etc., as follows :—

SECTION 1. So much of the twenty-first section of the act to which this is in addition, as relates to the establishment of a fire department in said city, is hereby repealed.

Section 21, relating to fire department, repealed.

SECT. 2. The city council of the city of Springfield may establish a fire department for said city, to consist of a chief engineer, and so many assistant engineers, and so many engine men, hosemen, hook and ladder men, as the city council, by ordinance, shall from time to time prescribe; and said city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and mode of removals of either such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government, and to the management and conduct of fires and persons attending fires,—subject to the penalties provided for the breach of the city ordinances—as they shall deem expedient: *Provided*, that the appointment of engine men, hosemen, and hook and ladder men, shall be made by the mayor and aldermen, exclusively.

City council may establish fire department, prescribe rules, etc.

Provido.

SECT. 3. The engineers and other officers of the fire department so appointed as aforesaid, shall have the same authority in regard to the prevention and extinguishment of fires, and the performance of the other

Engineers and other officers, their powers and duties.

offices and duties now incumbent upon fire-wards, as are now conferred upon fire-wards by the Revised Statutes now in force. They shall also have authority, in compliance with any ordinance of said city, to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the removal of such materials, or the adoption of suitable safeguards against fire ; and said city council are hereby authorized to make suitable ordinances upon the latter subject, under the penalties enacted in the city charter.

Compensation of
certain officers,
how fixed.

SECT. 4. The compensation to the fire department, to assessors, collector of taxes, city clerk, city treasurer, and school committee, shall be fixed by a concurrent vote of the two branches of the city council ; any provision contained in the eighth section of the city charter to the contrary notwithstanding.

Approved by the Governor, April 23, 1853.

ACTS OF 1873. CHAPTER 126.

AN ACT AMENDING THE CHARTER OF THE CITY OF
SPRINGFIELD.

Section.

1. City charter amended, 1852, 94, sect. 14.
2. Assessors and assistant assessors, how and when chosen; to hold office for three years.
3. Overseers of the poor, how and when chosen; to hold office for three years.
4. All existing sewers and drains may be taken and appropriated by the city.
5. Sewers and drains hereafter laid out to become the property of the city.
6. City council not to lay out, etc., streets, sidewalks, sewers, or drains, without recommenda-

Section.

- tion of board of public works, unless notice be first given to all interested. Proceedings after recommendation of board of public works.
7. City council may establish any portion of city as a building district.
8. City council may require all tenements and buildings to be numbered, etc.
9. City may appropriate and raise by taxation sums for support of city hospital.
10. Inconsistent acts repealed.
11. Act subject to acceptance by city council.

Be it enacted, etc., as follows:—

SECTION 1. Section 14 of chapter ninety-four of the year one thousand eight hundred and fifty-two is amended by inserting the words "alter or discontinue" after the words "concurrent power with the County Commissioners to lay out."

City charter amended, 1852, 94, §14.

SECT. 2. The city council of the city of Springfield, shall, within two months after the passage of this Act, elect by ballot in joint convention, three assessors, one to hold office for three years, one for two years, and one for one year from the first day of April of the year eighteen hundred and seventy-three; and shall thereafter annually, within sixty days after the organization of the council, elect in like manner one assessor to hold office for the term of three years from the first day of April in the year of such election. Said council shall at the same times and in the same manner, elect such number of assistant assessors, not exceeding eight, as said council may from time to time by ordinance prescribe, who shall hold office for the term of one year from the first day of April in the year of their election, and shall assist the assessors in doing their duties, in such manner and with such compensation as shall be prescribed by ordinance of the city council.

Assessors and assistant assessors, how and when chosen; to hold office for three years.

Overseers of the poor, how and when chosen; to hold office for three years.

SECT. 3. Said city council shall in like manner, within two months after the passage of this act, elect three persons to be overseers of the poor, who shall hold office, one for one year, one for two years, one for three years from the first day of April, eighteen hundred and seventy-three, and shall afterward annually, within sixty days after its organization, elect one person as an overseer of the poor, to hold office for three years from the first day of April in the year of such election.*

All existing sewers and drains may be taken and appropriated by the city.

SECT. 4. All sewers and drains, and all parts of sewers and drains now existing in any street, highway, or town way in the city of Springfield, and not now owned by said city, or of which the ownership may be uncertain, may be taken and appropriated by vote of the mayor and aldermen, and shall thereupon become the property of the city, and subject to its control; but nothing herein contained shall deprive any person or corporation of any existing right to use such sewers and drains, or any of them, for drainage purposes; and any person or corporation sustaining damage by such taking or appropriation of any sewer or drain may recover compensation therefor in the manner provided in case of damage sustained by the laying out of highways.

Sewers and drains thereafter laid out to become the property of the city.

SECT. 5. All sewers and drains, and parts of sewers and drains, within the limit of any street or public way hereafter laid out within said city, shall, on such laying out, become the property of said city, and subject to its control; but nothing herein contained shall deprive any person or corporation of any existing right to use any such sewer or drain for the purposes of drainage; and any person or corporation sustaining damage by such change of ownership in such sewers and drains, or any of them, may recover compensation therefor in the manner provided for in case of damage sustained by the laying out of highways.

City council not to lay out, etc., streets, sidewalks, sewers, or drains without recommendation of board of public works,—unless notice be first given to all interested.

SECT. 6. After any hearing authorized by section 4 of chapter three hundred and thirty-four of the acts of the year eighteen hundred and seventy-two, the city council of said city shall not, nor shall the mayor and aldermen, proceed to lay out, alter, widen, discontinue, or change the grade of any street, establish, lay out, change the grade of, construct, pave, alter any sidewalk, or lay out, establish, construct, or alter any

* City physician made, *ex officio*, a member of the board of overseers of the poor of the city, Acts of 1878, ch. 97.

sewers or drains, in opposition to the recommendation of the board of public works, or without such recommendation, unless they shall first give to all parties interested the notice which before the passage of said chapter was required by law to be given to parties interested in the laying out of streets; in all cases, after such hearing, the recommendations of the board of public works may be adopted and carried into effect without further notice to or hearing of parties, unless some party interested, within fourteen days after the hearing before the board of public works, files with the city clerk a request in writing to be heard further, in which case the same notice shall be given to all parties interested as is provided in case the recommendation of the board of public works is not adopted, and a hearing shall be had before the mayor and aldermen.

Proceedings after recommendation of board of public works.

SECT. 7. The city council may, from time to time by concurrent vote of the two branches, establish such portion of the city as they see fit, as a building district, within which no building shall be erected till the plans and specifications thereof, so far as they indicate the material, height, and thickness of the walls, and the material of the roof and cornices and other projections, shall have been approved by a commissioner appointed for the purpose by the mayor, with the consent of the aldermen; but nothing herein contained shall be construed as authorizing the erection of any buildings in violation of any ordinance of said city, relating to the erection of buildings within the limits of any fire district now established, or which may hereafter be established.

City council may establish any portion of city as a building district.

SECT. 8. Said city council may by ordinance, with suitable penalties, require all tenements and buildings on streets and within a district named and described in such ordinance, to be suitably numbered by the owner or occupant; and may provide that, if the owner or occupant fails to number any building or tenement in accordance with such ordinance, said city may cause the same to be numbered at the expense of the owner or occupant.

City council may require all tenements and buildings to be numbered, etc.

SECT. 9. The city of Springfield may appropriate annually, and raise by taxation, such sum as the city council deems fit, for the support of a city hospital.

City may appropriate and raise by taxation sums for support of city hospital.

SECT. 10. All acts and parts of acts inconsistent herewith are repealed.

Inconsistent acts repealed.

Act subject to
acceptance by city
council.

SECT. 11. This act shall take effect on the acceptance thereof by the concurrent vote of the city council of said city of Springfield.

Approved, March 28, 1873.

NOTE.—Accepted by the city council, March 31, 1873.

ACTS OF 1885. CHAPTER 65.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SPRINGFIELD CONCERNING THE ELECTION OF ALDERMEN.

Section.

1. Election of aldermen.
2. Repeal.

Section.

3. Subject to acceptance by voters.

Be it enacted, etc., as follows:—

Election of aldermen.

SECTION 1. The board of aldermen of the city of Springfield shall consist of one citizen of each ward, elected at large by the qualified voters of the city voting in their respective precincts, and the candidate from each ward who has the highest number of votes shall be declared elected.*

Repeal.

SECT. 2. All parts of the charter of the city of Springfield or amendments thereto inconsistent herewith are hereby repealed.

Subject to acceptance by voters.

SECT. 3. This act shall take effect upon its acceptance by a majority of the qualified voters of the city of Springfield, present and voting in their respective precincts, at the next municipal election following the passage of this act.

Approved, March 11, 1885.

* Members of board of aldermen to serve for two years, Acts of 1901, ch. 147.

NOTE.—Accepted at the municipal election held December 8, 1885.

ACTS OF 1901. CHAPTER 147.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SPRINGFIELD RELATIVE TO THE ELECTION OF ALDERMEN AND COUNCILMEN.

Section.

1. Members of board of aldermen to be elected for terms of two years, alternately.
2. Common council, elected for two years; manner of election.

Section.

3. Repeal.
4. Act to take effect when accepted.

Be it enacted, etc., as follows :—

SECTION 1. The board of aldermen of the city of Springfield shall consist of one citizen of each ward elected at large by the qualified voters of the city, voting in their respective precincts as at present provided, and the candidate from each ward who receives the highest number of votes shall be declared elected. The aldermen hereafter elected shall serve for terms of two years, except as hereinafter provided, from the first Monday in January succeeding the annual municipal election at which they are chosen. At the annual municipal election held next after this act takes effect aldermen from wards one, three, five, and seven shall be elected for terms of two years, and those from wards two, four, six, and eight for terms of one year ; and thereafter four aldermen shall be chosen at each annual municipal election, according as the terms of the several aldermen expire, the aldermen from wards one, three, five, and seven and the aldermen from wards two, four, six, and eight, respectively, being elected in alternate years.

Board of aldermen elected.

Term of two years.

Elected in alternate years.

SECT. 2. The common council of the city of Springfield shall consist of eighteen members, apportioned among the several wards according to the provisions of the charter, and shall be elected from and by each ward, and shall be residents of the wards from which they are elected. The common councilmen hereafter elected shall serve for terms of two years, except as hereinafter provided, from the first Monday in January succeeding the annual municipal election at which

Common council.

Term of two years.

Manner of election.	<p>they are chosen. At the annual municipal election held next after this act takes effect, in each ward which is entitled to two common councilmen the candidate receiving the highest number of votes cast for the office of common councilman shall be declared elected for the term of two years, and the candidate receiving the next highest number of votes shall be declared elected for the term of one year. In each ward which is entitled to three common councilmen the two candidates receiving respectively the highest and next to the highest number of votes cast for that office shall be declared elected for terms of two years, and the candidate receiving the next highest number of votes shall be declared elected for the term of one year. At each annual municipal election thereafter one common councilman shall be elected in each ward entitled to two common councilmen, and one or two common councilmen shall be elected in each ward entitled to three common councilmen, according as the terms of the several common councilmen expire.</p>
Repeal.	<p>SECT. 3. All parts of the charter of the city of Springfield and amendments thereto inconsistent herewith are hereby repealed.</p>
When to take effect.	<p>SECT. 4. This act shall take effect upon its acceptance by a majority of the qualified voters of the city of Springfield present and voting in their respective precincts at the next municipal election following the passage of this act. <i>Approved, March 13, 1901.</i></p>

NOTE.—Accepted at the municipal election held Dec. 3, 1901.

SPECIAL STATUTES.

ACTS OF 1861. CHAPTER 151.

AN ACT REGULATING THE CONSTRUCTION OF WOODEN BUILDINGS IN THE CITY OF SPRINGFIELD.

Section.

1. City council to make regulations, etc.

Section.

2. Violations of ordinances, etc.
Power of mayor and aldermen. *Proviso.*

Be it enacted, etc., as follows:—

SECTION 1. The city council of the city of Springfield are hereby authorized and empowered to make all such regulations, ordinances, and by-laws, as they may deem expedient concerning the erection, construction, and placing of wooden buildings within the limits of said city, for protection against fire, to establish districts within which wooden buildings, except of a prescribed size, shall not be erected, and to prescribe such penalties as they deem proper, for the violation of any such regulations, ordinances, or by-laws.

City council to make regulations, etc.

SECT. 2. Any building hereafter erected, constructed or placed contrary to the provisions of such by-laws, ordinances, or regulations, shall be deemed and taken to be a common nuisance; and the mayor and aldermen shall have the like power and authority to abate and remove the same, as is given to the board of health in the eighth, ninth, and tenth sections of the twenty-sixth chapter of the General Statutes: *Provided*, that nothing in this section shall be construed as affecting any remedy already given in the preceding section.

Violations of ordinances, etc.

Power of mayor and aldermen.

Proviso.

Approved, April 6, 1861.

ACTS OF 1863. CHAPTER 107.

AN ACT AUTHORIZING THE CITY OF SPRINGFIELD TO
CONSTRUCT CERTAIN DRAINS.

Section.

1. May construct not exceeding three, from Garden brook to Connecticut river.
2. Expense, how ascertained and divided.
3. Aggrieved parties may apply for jury. Cost of hearing, how paid.
4. Expenses to be borne by estate

Section.

- owners, to be assessed in two months after adjustment. Assessments to constitute lien upon estate.
5. Landlord and tenant. Assessors to determine division of assessment.
6. Drains to be held as property of city.

Be it enacted, etc., as follows:—

May construct not exceeding three, from Garden brook to Connecticut river.

SECTION 1. The city council of the city of Springfield is hereby authorized to construct one or more, but not exceeding three drains, leading from suitable points on Garden brook, in the central part of the city, to the Connecticut river, for the purpose of protecting private property and the streets of the city, from damage by water during seasons of freshet.

Upon completion city council to determine division of expense with land owners.

SECT. 2. After the completion of any drain constructed under the provisions of this act, the city council shall, with the assistance of a competent engineer, ascertain and determine the extent of territory benefited thereby, and what portion of the expense thereof shall be borne by the city, and what portion by the owners of real estate, but not less than one-third part of the cost shall be borne by the city. A notice of such determination shall be published for two weeks successively, in the newspaper having the largest circulation in the city.

Proviso.

Notice to be published.

Aggrieved parties may apply for jury.

SECT. 3. Any person aggrieved by the determination of the city council, either as to the division of expense between the city and the owners of real estate, or as to the extent of territory over which it is proposed to distribute that part of the expense to be assessed upon owners of real estate benefited, may, at any time within two months after the publication of the notice aforesaid, apply for a jury. Such application shall be made in like manner, and the proceedings thereon shall

Manner of application and proceedings.

be the same as in the case of a jury called to act upon the laying out and discontinuance of highways: *Provided*, that, upon making his application, the party shall give two weeks' notice in writing to the mayor and aldermen, of his intention so to apply, and shall therein particularly specify his objections to the proposed division of expense, and to the extent of territory over which a portion of the expense is to be assessed; to which specification he shall be confined upon the hearing before the jury.

If upon the hearing the objections to said determination are not sustained, the charges arising on such application shall be paid by the applicant, or person recognizing therefor; otherwise they shall be paid by the city, and the city council may, if necessary, determine anew the division of expense and the extent of territory benefited by said drainage. Any person who neglects to make application for a jury, as herein provided, shall be concluded by such determination of the city council, and shall not be entitled to recover, by an action at law or otherwise, the amount of the assessment collected of him.

Cost of hearing,
how paid.

Objections being
sustained, council
may determine
anew.

Failure to apply
for jury to bar
right of appeal
from council.

SECT. 4. After two months from the final determination of the city council, as to the division of expense of any drain constructed under the provision of this act, and the extent of territory benefited thereby, that portion of the expense of said drain which is to be borne by the owners of real estate within the district adjudged to be benefited, shall be equitably and ratably assessed upon such owners by the board of assessors of the city, and shall be collected by the city collector. The assessments so made shall constitute a lien upon the real estate assessed, in the same manner as taxes are a lien upon real estate, and shall be collected in the manner provided by chapter twelve of the General Statutes for the collection of taxes. But any person aggrieved by the amount assessed to him shall be entitled to the remedies provided in sections forty-three, forty-four, and forty-five of chapter eleven of the General Statutes.*

Expenses to be
borne by estate,
owners to be
assessed in two
months after
adjustment.

Assessments to
constitute lien
upon estate.

Aggrieved party
may have remedy.

SECT. 5. When any real estate to be assessed under the provisions of this act is held by a tenant for life or years, the assessors shall determine how much shall be assessed to the tenant, and how much to the landlord or reversioner, and shall assess the same accordingly.

Landlord and
tenant.

Assessors to de-
termine division
of assessment.

* R. L., ch. 12, sects. 73-84.

Drains to be held
as property of
city.

SECT. 6. Any drain constructed under the provision of this act shall be held to be the property of the city of Springfield, to be used, controlled, maintained, and repaired in the same manner as drains constructed wholly at the expense of the city.

SECT. 7. This act shall take effect upon its passage.

Approved, March 24, 1863.

ACTS OF 1863. CHAPTER 192.

AN ACT CONCERNING SIDEWALKS IN THE CITY OF SPRINGFIELD.

Section.

1. City council may designate limits and localities. Removal of snow and ice.

Section.

2. Construction and alterations, council may determine.

Be it enacted, etc., as follows :—

City council may
designate limits
and localities.

SECTION 1. The city council of the city of Springfield may by joint resolution set apart such portion of the public streets within its limits, as sidewalks, for the accommodation of foot passengers, as public convenience requires ; and may, by ordinance or by-law, compel owners or occupants of abutting lands to remove the snow and ice from such sidewalk in front of their land.

Removal of snow
and ice.

Construction and
alterations, coun-
cil may determine.

SECT. 2. The exercise of the power given in the preceding section shall not prevent the said city council from making any alteration in such sidewalks or from compelling the owners of abutting lands to construct said sidewalks of such materials as the public good requires.

Approved, April 27, 1863.

ACTS OF 1863. CHAPTER 204.

AN ACT CONCERNING THE RE-LOCATION OF STREETS AND
WAYS IN THE CITY OF SPRINGFIELD.

Section.

1. City council may locate anew.

Section.

2. Damages, how estimated and paid.

Be it enacted, etc., as follows :—

SECTION 1. When the city council of the city of Springfield deem it necessary to locate anew a street or way in said city, either for the purpose of establishing the boundary lines of such street or way, erecting monuments thereon, or of making alterations in the course or width thereof, they may so locate such street or way, giving notice, and proceeding in the manner prescribed by law for laying out and establishing streets or ways in said city.

City council may locate anew.

SECT. 2. Any person sustaining damages in his property by the location of a street or way, as provided in the preceding section, shall have his compensation ascertained and paid in accordance with the provisions of the General Statutes in respect to the laying out, altering, and discontinuing of streets and ways.

Damage to be estimated and paid.

*Approved, April 28, 1863.**

* See Acts of 1866, ch. 174, page 48 *post*; 1867, chap. 94, page 51 *post*; 1872, ch. 334, and Revised Ordinances, ch. 34.

ACTS OF 1864. CHAPTER 142.

AN ACT TO INCORPORATE THE CITY LIBRARY ASSOCIATION
OF SPRINGFIELD.

Section.

1. Corporators ; name ; privileges.
2. Estate, real and personal.
3. Transfer of property. Rules and

Section.

- regulations. Grants and bequests.
4. City may aid corporation while citizens have free access.

Be it enacted, etc., as follows :—

Corporators.

SECTION 1. John L. King, Chester W. Chapin, George Bliss, James M. Thompson, Ephraim W. Bond, and Homer Foot, and all persons who are now life members of the present City Library Association of Springfield, and their successors, are hereby made a

Name.

corporation by the name of "The City Library Association of Springfield," for the purpose of establishing and maintaining a social library, and a museum of natural history and art, and for the diffusion of knowledge, and the promotion of intellectual improvement in the city of Springfield ; with all the powers and privileges, and subject to all the duties and liabilities set forth in the general laws which now are or may hereafter be in force concerning corporations, so far as applicable.

Privileges.

Estate, real and personal.

SECT. 2. The said corporation may take and hold real and personal estate, to an amount not exceeding one hundred and fifty thousand dollars, exclusive of books in its library, and collections of natural history and works of art in its museum.*

Transfer of property.

SECT. 3. All the property now owned by, or which may accrue to, the present City Library Association of Springfield, may be by it transferred to the corporation hereby created. And the said corporation may take and shall hold the same, and all real and personal estate, and all moneys, books, pamphlets, curiosities, objects of art, and natural history, which shall from time to time be conveyed or given to it in any form, or be purchased by it, in trust, for all the uses and purposes

* Increased to \$600,000, Acts of 1901, ch. 95. Increased to \$1,500,000, Acts of 1902, ch. 155.

proper and appropriate for a public and social library and museum, the same to be used and enjoyed by the inhabitants of Springfield, under such regulations, and upon such terms, and for such compensation as may from time to time be prescribed by the by-laws of the corporation. And any grants, donations, or bequests made to it, shall be held and used under and in pursuance of any conditions or rules prescribed in such grants, donations, or bequests. And any bequests or devises to the present City Library Association, and contained in any will made before this act shall take effect, shall inure to, and be enjoyed by, said corporation.

Rules and regulations.

Grants and bequests.

SECT. 4.* So long as said corporation shall allow the inhabitants of the city of Springfield free access to its library at reasonable hours for the purpose of using the same on the premises, said city may appropriate and pay annually towards defraying the expenses of maintaining said library, a sum not exceeding fifty cents for each of its ratable polls, in the year next preceding that in which said appropriation is made.

City may aid corporation while citizens have free access.

Approved, April 8, 1864.

* Sect. 4 amended, Acts of 1902, ch. 155.

ACTS OF 1866. CHAPTER 174.

AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING, AND IMPROVING THE STREETS OF BOSTON.*

Section.

1. Board of aldermen to have full power.
2. Estimate of expense to include damages sustained by persons, including land and buildings.
3. Damages how paid.
4. Buildings and materials to be removed by owner; or, upon failure, by board of aldermen, who may sell.
5. Benefit accruing to abutting es-

Section.

- tate, board may decide value and assess portion of expense.
6. Assessments to constitute a lien.
7. Party aggrieved may apply for a jury.
8. Abutter objecting to assessment may surrender estate, with approval of aldermen. City may sell surplus property.
9. Term "street" defined.
10. Construction of act.

Be it enacted, etc., as follows: —

Board of aldermen
to have full power.

SECTION 1. The board of aldermen of the city of Boston shall continue to have full power and authority to lay out, widen, discontinue, change the grade of, or otherwise alter any street within said city, and for these purposes may take any land, and may remove the whole or part of any building, which in their judgment it may be necessary to take and remove, and may assess upon the estates abutting on any street which may be laid out, such portion of the expense of such laying out, widening, discontinuance, change of grade or other alteration, including all damages sustained by any person or persons thereby, as is hereinafter provided; and their determination so to do shall be adjudicated in the same manner, and upon like notice to parties interested, as is provided by law in other cases of laying out, widening, discontinuance, change of grade, or other alteration of streets.

Estimate of ex-
pense, what to
include.

SECT. 2. In making an estimate of the expense, for said purposes for which an assessment as herein provided is to be laid, all damages sustained by any person or persons shall be estimated, including damages for land and buildings taken, and including the value of

* For act extending provisions of this act to Springfield, see Acts of 1867, ch. 94, page 51 *post*. Such portions of this act as have not been repealed are now incorporated in R. L., ch. 48, sect. 16, and ch. 50.

the whole of the buildings on the land, any part of which shall be so taken, deducting therefrom, however, the value of the materials to be removed, and of the buildings or parts of buildings, if any, which will remain standing; and in estimating the value of the land cut off for said purposes, the land so cut off shall be estimated at its value before the laying out, widening, discontinuance, change of grade, or other alteration, and such estimate shall not include the increased value occasioned merely by such laying out, widening, discontinuance, change of grade, or other alteration.

Value of land,
how estimated.

SECT. 3. The damages estimated according to the preceding section shall be paid to the persons entitled thereto, in the same manner, and upon the same conditions, as is provided by law in other cases of laying out, widening, discontinuance, change of grade, or other alteration of streets.

Damages, how
paid.

SECT. 4. Buildings and materials remaining upon the land under the adjudication provided in section two, shall be taken care of by the owner thereof; and if such owner, after due notice by said board of aldermen, neglects or fails so to do, said board of aldermen may take such care of the same as the public safety demands, at the expense of the owner, and if they shall adjudge a removal thereof to be necessary for the public security or necessity, they may remove the same at the expense of the owner, or they may sell the same after five days' notice, at public auction, and hold the net proceeds of such sale for the benefit of the owner.

Buildings and ma-
terial to be re-
moved by owner;
or, upon failure,
by board of alder-
men, who may
sell.

SECT. 5. Whenever in the opinion of the board of aldermen any estate abutting on any street which may be laid out, widened, discontinued, graded, or altered by said board under this act, including the estate so cut off, shall receive any benefit and advantage from such laying out, widening, discontinuance, change of grade, or other alteration, then the said board may adjudge and determine the value of such benefit and advantage to any such estate, and may assess upon the same a portion of the expense of any such laying out, widening, discontinuance, change of grade, or other alteration, including the damages mentioned in the second section of this act, but not exceeding in amount one half the amount of such adjudged benefit and advantage.

Benefit accruing
to abutting estate,
board may decide
value and assess
portion of ex-
pense.

SECT. 6. All assessments made under this act shall constitute a lien upon the real estate so assessed, to be

Assessments to
constitute a lien.

Upon notice to aldermen, assessment may be apportioned into three parts.

enforced in the same manner, with like charges for costs and interest, as is provided by law for the collection of taxes. And if the owner of any estate so assessed desires to have the amount of said assessment apportioned, he shall give notice thereof in writing to the board of aldermen, at any time before a demand is made upon him for the payment thereof; and said board shall thereupon apportion the said amount into three equal parts, which apportionment shall be certified to the assessors, and the said assessors shall add one of said equal parts to the annual tax of said estate each year for the three years next ensuing.

Party aggrieved may have jury.

SECT. 7. Any party aggrieved by the doings of the board of aldermen, under this act, shall have the like remedy by petition, for a jury or otherwise, and with the same limitations as to the time of bringing such petition, as in other cases of laying out, widening, discontinuance, change of grade, or other alteration of streets in the county of Suffolk. And any person aggrieved by the estimate made by the board of aldermen, under the eighth section of this act, may have the same assessed by a jury in the same manner as damages for the taking of land for streets and highways may be assessed.

Party aggrieved under 8th section may have jury.

Abutter objecting to assessment may surrender estate with approval of aldermen.

SECT. 8. Any person owning any estate abutting on any street which may be laid out, widened, discontinued, graded, or altered, and liable to assessment under this act, may, at any time before the estimate of damages is made under the second section of this act, give notice in writing to said board of aldermen that he objects to such assessment, and elects to surrender his said estate to the city of Boston, and if said board of aldermen shall then adjudge that public convenience and necessity require the taking of such estate, that such improvements may be made, they shall have full authority, and may take the whole of the abutting estate of such person so objecting, and shall thereupon estimate the value thereof with all the improvements thereon, excluding the benefit or advantage which has accrued from the said laying out, widening, discontinuance, change of grade, or other alteration; and the said owner shall convey the same to the said city, and the said city shall pay him therefor the value so estimated. Said city may sell all the building materials and buildings, and the remaining portion of said estate not used in said widening, grading, and improvements,

City may sell surplus property.

and apply the net proceeds thereof towards the estimated value paid as aforesaid.

SECT. 9. The term "street" in this act shall be construed to include highways, town ways, courts, lanes, and alleys. Term "street" defined.

SECT. 10. This act shall not be construed as repealing any existing laws relating to the laying out, widening, discontinuance, change of grade, or other alteration of streets and highways. Construction of act.

Approved, April 23, 1866.

ACTS OF 1867. CHAPTER 94.

AN ACT CONCERNING THE LAYING OUT, ALTERING, WIDENING, AND IMPROVING THE STREETS OF SPRINGFIELD.

Section.

1. Act of 1866, concerning streets in Boston, extended to Springfield.

Section.

2. Shall apply when accepted by two-thirds of the city council.

Be it enacted, etc., as follows:—

SECTION 1. The provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and sixty-six, entitled, "An act concerning the laying out, altering, widening, and improving the streets of Boston," are hereby extended and made applicable to the city of Springfield.*

Act of 1866 concerning streets in Boston, extended to Springfield.

SECT. 2. This act shall take effect whenever the same is accepted by the city council of said city of Springfield, by a two-thirds vote of each branch thereof.

Shall apply when accepted by two-thirds of city council.

Approved, March 23, 1867.

* Ch. 174 of Acts of 1866 referred to, will be found *ante*, page 48.

NOTE.—The foregoing act was accepted by the city council by a two-thirds vote of each branch thereof, June 17, 1867. This act is partially superseded by ch. 334 of Acts of 1872, embodied in Revised Ordinances, chapter 34, *post*.

ACTS OF 1872. CHAPTER 243.

AN ACT FOR THE PREVENTION OF FIRES IN CITIES AND TOWNS.

Section.

1. Cities may regulate the construction of buildings.
2. Ordinances may be operative upon the whole or part of city.

Section.

3. Court may issue injunction to restrain erection, etc., of building contrary to ordinance.
4. Act subject to adoption. Not to apply to Boston.

Be it enacted, etc., as follows:—

Cities may regulate the construction of buildings.

SECTION 1. Cities and towns may, by ordinances and by-laws not repugnant to the laws of the Commonwealth, prescribe rules and regulations for the inspection, materials, construction, alteration, and safe use of buildings and structures within their respective limits not owned or occupied by the United States, or the Commonwealth, and excepting bridges, quays, and wharves, for the purpose of securing the prevention of fire, and the preservation of life; and may prescribe penalties not exceeding one hundred dollars for each and every violation of any provision of such ordinances or by-laws.

Ordinances may be in operation upon whole or part of city.

SECT. 2. Such ordinances and by-laws may be made operative upon and within the whole territory of any city or town, or upon and within any prescribed and defined district or districts of such territory.

Court may issue injunction to restrain erection, etc., of building contrary to ordinance.

SECT. 3. The Supreme Judicial Court, or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from constructing, altering, maintaining, or using any building or structure contrary to or in violation of any lawful ordinance or by-law made under or by virtue of this act, and may order and enforce the removal or abatement as a nuisance, of any building or structure, constructed, altered, maintained, or used in violation of such ordinance or by-law.

Subject to adoption.

SECT. 4. This act shall not be in force in any city or town unless the city council, or the inhabitants of

the town, shall by legal vote decide to adopt the same, and it shall not apply to the city of Boston.

Not to apply to
Boston.

SECT. 5. This act shall take effect upon its passage.

Approved, April 23, 1872.

NOTE.—This act was adopted by the city council, May 27, 1872.

ACTS OF 1878. CHAPTER 97.

AN ACT RELATIVE TO THE BOARD OF OVERSEERS OF THE POOR OF THE CITY OF SPRINGFIELD.

Section.

1. City Physician to be one of the overseers of the poor.

Be it enacted, etc., as follows :—

SECTION 1. The city physician of the city of Springfield shall be, *ex officio*, a member of the board of overseers of the poor of said city, and shall be duly sworn to the faithful discharge of his duties as such member.

City physician to
be one of the
overseers of the
poor.

SECT. 2. This act shall take effect upon its passage.

Approved, March 29, 1878.

ACTS OF 1880. CHAPTER 30.

AN ACT RELATING TO THE BOARD OF WATER COMMISSIONERS OF THE CITY OF SPRINGFIELD.

Section.

1. Board of water commissioners of Springfield abolished.
2. New board of water commissioners established; one member to be elected annually in January; vacancy; *proviso*.

Section.

3. Clerk of the board.
4. Mode of collecting water rents may be prescribed by city ordinance.
5. Repeal.
6. Subject to acceptance by city council.

Be it enacted, etc., as follows:—

Board of water commissioners of Springfield abolished.

SECTION 1. The board of water commissioners of the city of Springfield, established by chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two, and chapter seventy-five of the acts of the year eighteen hundred and seventy-three in amendment thereof, is hereby abolished.

New board of water commissioners established.

SECT. 2. As soon as practicable after the passage of this act, the city council of said city shall elect by ballot in joint convention two citizens thereof, one for the term of one year, and one for the term of two years, from February first in the year eighteen hundred and eighty, as water commissioners, who, with the mayor as an *ex officio* member, shall constitute the board of water commissioners of said city of Springfield, with all the rights, powers, and duties of the board abolished by this act, except as hereinafter

One member to be elected annually in January.

provided. And hereafter said city council shall annually in the month of January elect by ballot in joint convention one citizen as a member of said board for the term of two years from the succeeding first day of February. In case any citizen so elected shall die, resign, or become disqualified during his term of office, said city council shall, as soon as may be, elect by ballot in joint convention a citizen to fill the vacancy for the unexpired term only: *provided*, however, that no member of the city council shall be eligible to election as water commissioner.

Vacancy.

Proviso.

SECT. 3. The city engineer of said city shall be *ex officio* clerk of said board, and as such shall keep a true and accurate record of the doings thereof, and shall be duly sworn to the faithful performance of his duties.

Clerk of the board.

SECT. 4. Said city may, by ordinance, prescribe the mode of collecting all water rents and other money that may become due the city on account of the water department, and of accounting for the same to the city treasurer; and of the payment of all bills contracted by said department. The city auditor shall have free access to and audit all books and accounts of said board. The annual report of said board shall be addressed to the city council, and printed in the municipal register.

Mode of collecting water rents may be prescribed by city ordinance.

SECT. 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECT. 6. This act shall take effect on being accepted by a two-thirds vote of each branch of the city council of said city. But the water commissioners then in office shall continue to hold office until commissioners shall be elected under this act.

Subject to acceptance by city council.

Approved, February 20, 1880.

NOTE—This act was accepted March 15, 1880. For amendment, see Acts of 1888, chapter 136, *post*.

ACTS OF 1882. CHAPTER 154.

AN ACT AUTHORIZING TOWNS AND CITIES TO LAY OUT
PUBLIC PARKS WITHIN THEIR LIMITS.*

Section.

1. Cities and towns may lay out public parks. Commissioners to be appointed.
2. Vacancies. To serve without compensation.
3. Powers and duties. No expense to be incurred until an appropriation is made by a two-thirds vote. Taking land not valid until accepted by town.
4. Description of land taken to be recorded in registry of deeds.
5. Determination of damages.
6. Fee of land to be vested in city or town.

Section.

7. Assessments for betterments. *Proviso.*
8. May raise money subject to law limiting municipal indebtedness.
9. "Public Park Loan."
10. Land to be forever maintained as a public park.
11. Military encampment, etc., not permitted without consent of board.
12. Annual reports.
13. When to take effect.
14. Second meeting not to be called within twelve months from the first.

Be it enacted, etc., as follows:—

Cities and towns
may lay out public
parks.

SECTION 1. Any town in this Commonwealth which accepts the provisions of this act in the manner herein-after prescribed may, at a legal meeting called for the purpose, elect three competent persons who shall constitute a board of park commissioners for such town, and may prescribe their terms of office ; and the mayor of any city which in such manner accepts said provisions may, with the approval of the city council, as soon as may be after such acceptance, appoint five competent persons who shall constitute a board of park commissioners for such city, and who shall hold their offices until the expiration of terms of one, two, three, four, and five years respectively, from the first Monday in May next following such appointment ; and the mayor shall, before the first Monday in May in each year thereafter, with like approval appoint one such commissioner to continue in office for five years from the expiration of the term of the commissioner then next outgoing. No person shall be such commissioner who is at the same time a selectman, or other officer of

Commissioners to
be appointed.

* The provisions of this statute are now incorporated in R. L., ch. 28.

such town, or a member of the city council, clerk or treasurer of such city ; and any such commissioner may be removed by a vote of two-thirds of the legal voters of such town, at a legal town meeting called for the purpose, or by a concurrent vote of two-thirds of the whole of each branch of such city council.

SECT. 2. Any vacancy occurring in such board shall be filled for the residue of the term of the commissioner whose place is to be filled in the manner in which such commissioner was originally appointed. Such commissioners shall serve without compensation.

Vacancies.

To serve without compensation.

SECT. 3. Such boards of park commissioners shall have power to locate within the limits of their respective towns or cities a public park or parks, and for that purpose from time to time to take in fee by purchase, gift, devise, or otherwise, any and all such lands as they may deem desirable therefor, or to take bonds for the conveyance thereof to their respective towns or cities ; to lay out and improve any such park or parks ; to make rules for the use and government thereof, and for breaches of such rules to affix penalties not exceeding twenty dollars for one offense, to be imposed by any court of competent jurisdiction ; to appoint all necessary engineers, surveyors, clerks, and other officers, including a police force to act in such parks ; to define the powers and duties of such officers and fix the amount of their compensation ; and generally to do all acts needful for the proper execution of the powers and duties granted to or imposed upon such town or city or upon such boards by this act : *provided, however*, that no land shall be taken, or any other thing involving an expenditure of money be done under this act until an appropriation sufficient to cover the estimated expense thereof shall in a town have been made by a vote of two-thirds of the legal voters present and voting in a legal town meeting called for the purpose, or in a city by a vote of two-thirds of each branch of the city council ; and such expenditures shall in no case exceed the appropriations made therefor, and all contracts made for expenditures beyond the amount of such appropriations shall be void ; *provided, further*, that in a town no taking of land otherwise than by purchase shall be valid unless such taking is reported to the town, filed, accepted, and allowed, as provided by section seventy-one of chapter forty-nine

Powers and duties.

No expense to be incurred until an appropriation is made by a two-thirds vote.

Taking land not valid until accepted by town.

of the Public Statutes in the case of laying out town ways.

Description of land taken to be recorded in registry of deeds.

SECT. 4. Such board shall, within sixty days after the taking of any land under this act, file and cause to be recorded in the registry of deeds for the county or district in which any land so taken is situated a description thereof sufficiently accurate for identifying the same.

Determination of damages.

SECT. 5. Such boards shall respectively estimate and determine all damages sustained by any person by the taking of land or by other acts of such boards in the execution of the powers vested in them respectively by this act ; but a person aggrieved by any such determination of the board may have his damages assessed by a jury of the superior court in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial, damages are increased beyond the award, the party in whose favor the award was made shall recover his costs ; otherwise he shall pay costs ; and costs shall be taxed as in civil cases.

Fee of land to be vested in city or town.

SECT. 6. The fee of any land taken or purchased by such boards in any town or city for a park under this act shall vest in the town or city in which such park is laid out ; and such town or city shall be liable to pay all damages assessed or determined, as provided in the preceding section, and all other costs and expenses incurred by its board of park commissioners in the execution of the powers vested in such board by this act. Any town or city shall also be authorized to take and hold in trust or otherwise, any devise, grant, gift, or bequest that may be made for the purpose of laying out, improving, or ornamenting any park or parks therein.

Assessments for betterments.

SECT. 7. The boards of park commissioners in their respective towns and cities shall have the same authority to determine the value of, and assess upon real estate the amount of, betterments accruing to said real estate by the locating and laying out of a park or parks under this act, that is conferred by chapter fifty-one of the Public Statutes upon boards of city or town officers authorized to lay out streets or ways ; and the provisions of the first eight sections of said chapter relating to ways, shall apply to such assessments by boards of park commissioners in respect to the location and laying out of parks as aforesaid : *provided, how-*

Proviso.

ever, that no assessment shall be laid upon any real estate except such as abuts upon the park from the laying out of which the betterment accrues, or upon a street or way bounded by such park.

SECT. 8. Any town or city in which a public park is laid out under this act may raise, appropriate, and expend such sums of money as may be deemed best for the purchase and improvement of such park or parks, subject to the laws of this Commonwealth limiting municipal indebtedness.

May raise money subject to law limiting municipal indebtedness.

SECT. 9. For the purpose of defraying the expenses incurred under the provisions of this act, the city council of any city shall have authority to issue from time to time, and to an amount not exceeding the sum actually expended for the purchase or taking of lands for a park or parks, bonds or certificates of debt, to be denominated on the face thereof the "Public Park Loan," and to bear interest at such rates and to be payable at such times as said city council may determine. For the redemption of such loan, such city council shall establish a sinking fund sufficient, with the accumulating interest, to provide for the payment of such loan at maturity. All amounts received for betterments shall be paid into such sinking fund until such fund shall amount to a sum sufficient with its accumulations to pay at maturity the bonds for the security of which the fund was established.

"Public Park Loan."

SECT. 10. All lands taken or held under this act shall be forever kept open and maintained as a public park or parks. No building covering more than six hundred square feet shall be placed or allowed to remain on any such park; and no street or way, and no steam or horse railroad, shall be laid out over any portion of a park located under this act, except at such places and in such manner as the board of park commissioners shall approve.

Land to be forever maintained as a public park.

SECT. 11. No military encampment, parade, drill, review, or other military evolution or exercise shall be held or performed on any park laid out as aforesaid except with the consent of such board, nor shall any military body without such consent enter or move in military order within such park, except in case of riot, insurrection, rebellion, or war.

Military encampment, etc., not permitted without consent of board.

SECT. 12. All such boards of park commissioners shall make reports of their respective doings, including detailed statements of all receipts, expenditures, and

Annual reports.

liabilities for the preceding year ; such reports to be made in towns at the annual town meetings, and at such other times as the town may direct, and in cities to the city council annually in the month of December.

When to take effect.

SECT. 13. This act shall not take full effect in any town or city unless accepted by a majority of the legal voters of such town or city present and voting thereon by ballot and using the check list, at a meeting or meetings notice whereof has been duly given at least seven days beforehand. Such ballots shall be "yes" or "no" in answer to the question, "Shall an act passed by the legislature of the Commonwealth in the year eighteen hundred and eighty-two, entitled 'An act authorizing towns and cities to lay out public parks within their limits,' be accepted?" In a town such meetings shall be called and notified in the manner in which meetings for the election of town officers are called and notified ; and in a city meetings to act thereon shall be held at one time in the usual voting places of the city, on such days as shall be designated by the board of aldermen at any regular meeting, and shall be called and notified by the board of aldermen in the manner in which meetings for the election of municipal officers are called and notified. The ballots cast shall be assorted, counted, and public declaration made thereof in open town or ward meeting, and the number of ballots respectively cast shall be registered in the town or ward records as the case may be. The clerk of each ward in a city shall, within forty-eight hours of the close of the polls, make return to the board of aldermen of the number of ballots cast in his ward in favor of the acceptance of this act, and of the number cast against its acceptance. The selectmen and town clerk of a town and the board of aldermen of a city in which such meeting or meetings are held shall certify, as soon as may be thereafter, to the secretary of the Commonwealth, the whole number of ballots cast in favor of the acceptance of this act, and the whole number cast against its acceptance ; and if it shall appear that a majority of the ballots have been cast in favor of acceptance, the said secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted by such town or city.

Second meeting not to be called within

SECT. 14. No second meeting for the purpose of voting upon the question of accepting this act shall be

called within twelve months from the first, unless the first meeting shall have failed through illegality or irregularity in the proceedings.

twelve months
from the first.

SECT. 15. This act shall take effect upon its passage.

Approved, April 13, 1882.

NOTE.—This act was accepted by the city of Springfield at a special election held May 28, 1883.

ACTS OF 1883. CHAPTER 25.

AN ACT PROVIDING THAT THE MAYOR OF THE CITY OF
SPRINGFIELD SHALL BE EX OFFICIO A MEMBER AND
CHAIRMAN OF THE SCHOOL COMMITTEE.

Section.

1. Mayor to be member and chairman of school committee.

Be it enacted, etc., as follows:—

SECTION 1. The mayor of the city of Springfield shall be *ex officio* a member and chairman of the school committee of said city.

Mayor to be mem-
ber and chairman
of school com-
mittee.

SECT. 2. This act shall take effect upon its passage.

Approved, March 3, 1883.

ACTS OF 1883. CHAPTER 130.

AN ACT TO RELIEVE THE CITY OF SPRINGFIELD AND THE
TOWNS OF WEST SPRINGFIELD AND AGAWAM FROM
CERTAIN FORFEITURES.

Section.

1. Relieved from certain forfeitures.

Be it enacted, etc., as follows : —

Relieved from
forfeitures for
not posting
notices on bridges
over Conn. river.

SECTION 1. The city of Springfield, the towns of West Springfield and Agawam, are relieved from all forfeitures that may have been heretofore incurred by reason of non-compliance with the provisions of section twenty-six of chapter fifty-three of the Public Statutes.

SECT. 2. This act shall take effect upon its passage.

Approved, April 18, 1883.

ACTS OF 1887. CHAPTER 54.

AN ACT PROVIDING FOR THE REGISTRATION AND LICENSING OF PLUMBERS IN THE CITY OF SPRINGFIELD.

Section.

1. City of Springfield may require plumbers to be licensed.

Section.

2. Penalties.

Be it enacted, etc., as follows:—

SECTION 1. The city of Springfield may by ordinance require the registration and licensing of all persons doing or carrying on the business of plumbing in said city, and prescribe rules and regulations for the materials, construction, alteration, and inspection of all pipes, tanks, faucets, valves, and other fixtures by and through which water or sewage is used and carried, and provide that no such pipes, tanks, faucets, valves, or other fixtures shall be placed in any building in said city except in accordance with plans which shall be approved by the board of health of said city, or such person or persons as said board of health shall designate.

City of Springfield may require plumbers to be licensed.

SECT. 2. The said city may impose penalties not exceeding fifty dollars for each violation of any of the provisions contained in section one of this act.

Penalties.

SECT. 3. This act shall take effect upon its passage.

Approved, March 9, 1887.

ACTS OF 1888. CHAPTER 136.

AN ACT TO AMEND AN ACT RELATING TO THE BOARD OF
WATER COMMISSIONERS OF THE CITY OF SPRINGFIELD.

Section.

1. The board of water commissioners to elect a clerk.

Be it enacted, etc., as follows : —

The board of
water commis-
sioners to elect a
clerk.

SECTION 1. Section three of chapter thirty of the acts of the year eighteen hundred and eighty is hereby amended by striking out at the beginning of said section the words, "The city engineer of said city shall be *ex officio* clerk of said board, and as such," and inserting in lieu thereof the words : Said board of water commissioners shall elect a clerk who,—so that the section as amended shall read as follows : Said board of water commissioners shall elect a clerk who shall keep a true and accurate record of the doings thereof, and who shall be duly sworn to the faithful performance of his duties.

SECT. 2. This act shall take effect upon its passage.

Approved, March 16, 1888.

ACTS OF 1890. CHAPTER 74.

AN ACT IN RELATION TO THE PRESERVATION OF PUBLIC
HEALTH IN CITIES.*

Section.

1. Location of privy vaults in
cities regulated.

Section.

2. To take effect.

Be it enacted, etc., as follows : —

SECTION. 1. No privy vault shall be established in a city which accepts this act, either upon premises situated on a public or private street, court, or passage way where there is a public sewer opposite thereto, or upon premises connected with a public or private sewer, without permission in writing first obtained from the board of health of such city. And whenever there is in such city a privy vault so situated which, in the opinion of the board of health of such city, is injurious to the public health, said board shall declare the same to be a nuisance, and forbid its continuance, and sections twenty-one to twenty-three, inclusive, of chapter eighty of the Public Statutes shall apply to such nuisances so declared.

Location of privy
vaults in cities
regulated.

SECT. 2. This act shall take effect in any city of the Commonwealth when accepted by the city council thereof.

To take effect.

Approved, March 6, 1890.

*The provisions of this statute are incorporated in R. L., ch. 75, sect. 70.

NOTE.—This act was accepted by the city council, Sept. 15, 1890.

ACTS OF 1890. CHAPTER 356.

AN ACT TO ANNEX A PART OF THE TOWN OF LONGMEADOW
TO THE CITY OF SPRINGFIELD.

Section.

1. Part of the town of Longmeadow annexed to the city of Springfield.
2. Payment of taxes.

Section.

3. Election of state and county officers, etc.
4. Settlement of paupers.
5. Public park.

Be it enacted, etc., as follows:—

Part of the town
of Longmeadow
annexed to the
city of Spring-
field.

SECTION 1. So much of the town of Longmeadow in the county of Hampden as lies between the present boundary line between said town and the city of Springfield in said county, and the following line, to wit: Beginning on said boundary line at a granite boundary line monument located at or near the easterly side of Warriner's Pecowsic path; thence running southwesterly in a direct line to a granite boundary line monument on the northerly side of the Stickney road at that point on said road where it turns south after running southeasterly from the main road from said Springfield to Longmeadow street; thence running northwesterly to a granite boundary line monument on the easterly line of said road to Longmeadow street, and at or near the intersection thereof by the northerly side of said Stickney road, and thence, in the same line continued, to the Connecticut river; with all of the inhabitants and estates therein, is hereby set off from said town, and annexed to and made a part of the said city of Springfield, and shall constitute a part of the sixth ward thereof until a new division of the wards of said city is made.

Payment of taxes.

SECT. 2. The inhabitants and estates within the territory abovescribed, and the owners of said estates, shall continue liable to pay to said town all taxes remaining uncollected and legally assessed upon them, and all taxes that may be assessed by said town for the current year; and all of said taxes shall be collected and paid to said town the same as if this act had not been passed. Until the next state valuation, the city of Springfield shall, annually after the current year, on

or before the month of November, pay to said town the proportionate part of the state and county tax assessed upon said town which the valuation of the part set off bears to the valuation of the town, according to the valuation made by the assessors of the town in the year eighteen hundred and eighty-nine.

SECT. 3. Until a new apportionment of representatives shall be made the inhabitants of the territory described in the first section hereof shall, for the purpose of electing state and county officers, members of the executive council, senators and representatives to the general court, electors of president and vice-president of the United States and representatives to congress, remain and continue to be a part of said town ; and the inhabitants resident therein qualified to vote shall be entitled to vote for said officers, and shall be eligible to the office of representative to the general court from the senatorial and representative districts of which said territory now forms a part, and shall vote at the place or places at which the inhabitants of said territory would have voted had this act not been passed.

Election of state and county officers, etc.

SECT. 4. If any person or persons who have heretofore gained a legal settlement in said town by reason of residence in said territory set off as aforesaid, or by having been proprietors of any part thereof, or who may derive such settlement from any such residence or proprietorship, shall come to want and stand in need of relief, aid, and support as paupers, they shall be relieved and supported by said city in the same manner that they would have been by said town, had they gained a legal settlement therein.

Settlement of paupers.

SECT. 5. The park commissioners of said city shall, within three years after said city shall have acquired for purposes of a public park, a sufficient title to any part of the Barney estate, so called, lying within said annexed territory, construct within said annexed territory, for light driving only, a park road not less than twenty feet wide and of such grades as said commissioners may deem proper, and running in such courses not unreasonably circuitous for a park road as said commissioners may determine, and extending from Long Hill street near the Linus Dickinson homestead to some convenient point on said Stickney road. Said park road shall not be a public way within the meaning of the statutes of this Commonwealth relating to

Public park.

public ways, but shall be governed by the public park laws thereof, and shall be maintained by said commissioners in such manner as they may determine to be consistent with the improvement and maintenance of said territory for park purposes. The inhabitants of said town may, under the rules of said commissioners, use said road with the same rights that the citizens of said Springfield shall have to use the same, but said road shall not at any time be closed for said light driving by gates or bars, or by any rule or regulation of said park commissioners, except as shall be necessary for the ordinary repair thereof.

SECT. 6. This act shall take effect upon its passage.

Approved, June 2, 1890.

ACTS OF 1893. CHAPTER 97.

AN ACT IN RELATION TO THE ESTABLISHMENT AND MAINTENANCE OF THE FIRE DEPARTMENT OF THE CITY OF SPRINGFIELD.

Section.

1. City council to have power to prescribe manner of conducting fire department. May delegate powers to a board.

Be it enacted, etc., as follows:—

City council to
prescribe manner
of conducting
fire department.

SECTION 1. The powers and duties conferred by the provisions of chapter one hundred and seventy-five of the acts of the year eighteen hundred and fifty-three, upon the city council of the city of Springfield and the mayor and aldermen thereof, in relation to the establishment and maintenance of a fire department, may be exercised and carried into effect by said city council in such manner as it may from time to time prescribe, and wholly or in part through the agency of any persons acting as a board whom it may from time to time designate, and with such limitation of power as said city council may by ordinance direct. Such persons shall serve without compensation.

May delegate
powers to a board.

SECT. 2. This act shall take effect upon its passage.

Approved, March 17, 1893.

ACTS OF 1893. CHAPTER 301.

AN ACT TO ESTABLISH A RIVER LINE ALONG THE BANK
OF THE CONNECTICUT RIVER AT SPRINGFIELD.

Section.

1. River line established.

Section.

2. No structure or filling to be
done without license.*Be it enacted, etc., as follows :—*

SECTION 1. No wharf, pier, wall, filling or other structure or work shall ever hereafter be built or extended in the Connecticut river at Springfield beyond the river line herein described, except that the city of Springfield may, upon license from the board of harbor and land commissioners, extend sewer outfalls beyond said line. Said river line is hereby established as follows :—Beginning at a point marked A, in the boundary line between the cities of Chicopee and Springfield and one hundred and eighty feet southwesterly from the stone monument in said line on the easterly line of Plainfield street ; thence running southerly on the arc of a circle with a radius of thirty-two hundred feet, following the general trend of the shore of the river, to the northerly line of a private street called Rowland avenue extended to a point marked B, twelve hundred and forty-six feet southwesterly from the intersection of the northerly line of Rowland avenue and the westerly line of Plainfield street ; thence running southeasterly by a straight line tangent at the point B, to the curved line A-B, seven hundred and eighty-four feet, to a point marked C ; thence running southeasterly on an arc of a circle, curving easterly, with a radius of fourteen hundred feet tangent at the point C, to the line BC, five hundred and eighty-seven feet, to a point marked D ; thence running southeasterly by a straight line about sixteen hundred and fifty-eight feet, to the southerly line of Lowell street extended to a point marked E, fourteen hundred and eighty-two feet southwesterly from the intersection of the southerly line of Lowell street and the westerly line of Plainfield street ; thence running southeasterly by a straight line

River line
established.

about nine hundred and five feet, to the northerly line of West street extended to a point marked F, twelve hundred and fifty-six feet southwesterly from the intersection of the northwesterly line of West street and the westerly line of Plainfield street; thence running southeasterly on the arc of a circle, curving easterly, with a radius of fifty-two hundred and sixty-five feet tangent at F, with the line F-E, nineteen hundred and seventy-six feet, to a point marked G; thence running southeasterly by a straight line about twenty-three hundred and eighteen feet, to the northwesterly side line of Cypress street extended at a point marked H, four hundred and five feet southwesterly from the intersection of the northeasterly line of Fulton street and the northwesterly line of Cypress street; thence running southeasterly about five hundred and seventy feet, to a point marked I, at the southerly corner of the abutment at the Springfield end of the Boston and Albany Railroad Company's bridge over the Connecticut river; thence continuing southeasterly, a little more southerly, parallel with the face of the river wall of the New York, New Haven and Hartford Railroad Company, three hundred and forty feet, to a point marked J; thence continuing southeasterly, a little more easterly, about seven hundred feet, to the southerly line of Bridge street extended at a point marked K, two hundred and fifty-eight feet southwesterly from the intersection of the southerly line of Bridge street and the southwesterly line of Water street; thence continuing southeasterly, a little more southerly, about twelve hundred and thirty feet, to the northwesterly line of Elm street extended at a point marked L, three hundred and sixty-five feet southeasterly from the intersection of the northwesterly line of Elm street and the southwesterly line of Water street; thence continuing southeasterly, still more southerly, about nineteen hundred feet, to the southeasterly line of Banks avenue extended at a point marked M, six hundred and eighty feet southwesterly from the intersection of the southeasterly line of Banks avenue and the southwesterly line of Water street; thence continuing southeasterly, still more southerly, parallel with the main line tracks of the New York, New Haven and Hartford Railroad, to a point marked N, one thousand feet northerly from the southerly side line of the South End bridge over the Connecticut river at its intersec-

tion with the abutment at the Springfield end of the bridge; thence continuing southeasterly about one thousand and three feet, to a point in the southerly side line of said bridge marked O, thirty feet southwesterly from the face of said abutment and two hundred and thirty-eight and nine-tenths feet southwesterly from the intersection of the prolongation of said southerly side line of said South End bridge with the easterly side line of South street; thence running southerly on the arc of a circle with a radius of twenty-four hundred feet, curving westerly, for a distance of thirty-one hundred and thirty-nine feet, to a point marked P; thence running southwesterly five hundred feet, by a straight line tangent at P, with the line O-P, to a point marked Q; thence running southwesterly eight hundred and ninety-two feet, on an arc of a circle, curving southerly, with a radius of sixteen hundred feet tangent at Q, to the line P-Q, to a point marked R; thence running southwesterly about three hundred and eighty feet in a straight line tangent at R, to the line Q-R, to the boundary line between the city of Springfield and the town of Longmeadow at a point marked S, fifteen feet northwesterly from the stone monument in said boundary line between the New York, New Haven and Hartford railroad and the bank of the Connecticut river.

SECT. 2. No structure or filling shall be done inside of said river line and beyond the present bank of the said river without authority or license therefor first duly obtained under and subject to the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five and chapter nineteen of the Public Statutes.

No structure or filling to be done without license.

SECT. 3. This act shall take effect upon its passage.

Approved, May 3, 1893.

ACTS OF 1900. CHAPTER 236.

AN ACT TO ABATE THE SMOKE NUISANCE IN THE CITY
OF SPRINGFIELD.

Section.

1. Certain emissions of smoke declared a nuisance.
2. Penalty.

Section.

3. Officer designated by mayor to enforce law.
4. Operation of certain furnaces may be enjoined.
5. When to take effect.

Be it enacted, etc., as follows : —

Certain emissions
of smoke declared
a nuisance.

SECTION 1. In the city of Springfield the emission into the open air of dark smoke or dense gray smoke for more than two minutes continuously, or the emission of such smoke during twelve per cent of any continuous period of twelve hours, is hereby declared a nuisance.

Penalty.

SECT. 2. Whoever commits such nuisance or suffers the same to be committed on any premises owned or occupied by him, or in any way participates in committing the same, shall be punished by a fine of not more than one hundred dollars for each week during any part of which such nuisance exists.

Officer designated
to enforce law.

SECT. 3. The mayor of the city shall designate some proper person among the officers of the city, who shall be charged with the enforcement of this law. Such designation shall be made in January of each year, but shall be subject to change at any time.

Operation of cer-
tain furnaces, etc.,
may be enjoined.

SECT. 4. The officer so designated may apply to the supreme judicial or superior court or to any justice thereof for an injunction to restrain the further operation of any furnace, steam boiler or boilers which are being operated in such a manner as to create a nuisance as herein defined ; and said court or justice may after hearing the parties enjoin the further operation of any such furnace, boiler or boilers.

When to take
effect.

SECT. 5. This act shall take effect on the first day of September in the year nineteen hundred.

Approved, April 13, 1900.

ACTS OF 1900. CHAPTER 276.

AN ACT RELATIVE TO WIRES AND ELECTRICAL APPLIANCES IN THE CITY OF SPRINGFIELD (AS AMENDED BY ACTS OF 1901, CHAPTER 181.)

Section.

1. Removal of poles and wires from the streets of the city.
2. Wires to be removed within a certain district, or be placed underground. Manner of removal.
3. Not to place certain structures in prescribed district, except, etc.

Section.

4. Not to apply to long distance telephone wires, light wires, etc. Not to revoke certain rights already granted. Long distance telephone wires defined.
5. Board of appeal.
6. Enforcement of provisions.

Be it enacted, etc., as follows :—

SECTION 1. The city council of the city of Springfield may by ordinance designate some officer or officers of the city, who shall have exclusive authority to cause to be removed from the streets of the city within the district hereinafter prescribed, all telegraph, telephone, electric light, electric motor and power, street railway power and feed, and all other wires, cables or conductors, in or above said streets, and all poles and structures in said streets used for the support of the same, except such structures, poles, wires, cables and conductors as are hereinafter excepted, and to cause all such wires, cables, and conductors to be placed, maintained and operated in underground conduits.

Removal of wires from the streets.

SECT. 2. The provisions of this act shall apply to that district of the city of Springfield which is bounded by a circumference whose center is Court square and whose radius is two miles in length from said center. And said officer or officers, within thirty days after appointment, and in each January thereafter until the work in the said district is completed, shall prescribe, giving public notice thereof in at least two daily newspapers in said city, by advertising therein twice a week for two weeks in succession, a part of said district, consisting of not less than three nor more than five miles of streets, within which part all such wires, cables and conductors, except such as are hereinafter

Wires to be removed within certain district.

Manner of removal.

excepted, shall, during that calendar year, be removed or placed underground ; and said officer or officers shall cause the owners or users of such wires, cables and conductors, to remove or place them underground, and also to remove any poles or structures used in the streets to support such wires, cables or conductors, except when, in the judgment of said officer or officers, it is impracticable or inexpedient to remove such wires, cables, poles, conductors or structures ; it being the purpose and intent of this act ultimately to cause the removal from public streets, avenues and highways in said district of all wires, cables and conductors, except such as are hereinafter excepted.

Not to place certain structures in prescribed district, except, etc.

SECT. 3. After a part of said district has been prescribed as aforesaid no person, firm or corporation shall place any poles or other structures for the support of any wires, cables or conductors, except those herein specially excepted, in any street thereof, except temporarily, with the consent of said officer or officers, in the case of an emergency ; and if after the expiration of that calendar year there shall remain in any such street any poles, structures, wires, cables or conductors which said officer or officers shall have ordered to be removed or placed underground, the said officers shall cause the same to be removed ; and the city may collect from the owners or users, by an action at law, any expense involved in such removal.

Not to apply to long distance telephone wires, etc.

SECT. 4. This act shall not apply to long distance telephone wires, or to posts for the support of lamps exclusively, or to poles used exclusively for local distribution from underground wires, cables or conductors, or to street railway trolley, guard or span wires, to poles or structures used exclusively for the support thereof, or to poles and wires used for lighting the public streets and public buildings of the city of Springfield under existing contracts with said city, during the continuance of said contracts ; nor shall it revoke any rights already granted to any person, firm, or corporation to place or maintain any conduits, pipes, wires, cables or conductors underground ; but any such conduits, pipes, wires, cables or conductors laid hereafter in pursuance of any such grant shall be laid subject to the provisions of this act, so far as they are not inconsistent with the terms of such grant. For the purposes of this act no wire shall be deemed a long distance telephone wire which is not connected with some cen-

Not to revoke rights already granted, etc.

tral telephone office in the city, and which does not extend twenty-five miles at least in a direct line from the central office.

SECT. 5. The mayor and aldermen of the city shall constitute a board of appeal, to which petitions in writing may be presented by any person, firm or corporation aggrieved by any act or decision of said officer or officers, done or made in pursuance of this act. Such petition shall set forth the specific grievance or grievances relied upon, and shall be filed with the mayor of the city within ten days from the act or decision complained of; and said board after notice given as prescribed in section two of this act shall give a hearing thereon, and may either approve, annul or overrule such act or decision. Board of appeal.

SECT. 6. The supreme judicial or superior court, or any justice thereof, shall, on petition of said officer or officers, have jurisdiction in equity to enforce the provisions of this act or any order of said officer or officers issued thereunder, and to compel compliance therewith. Enforcement of provisions.

SECT. 7. This act shall take effect upon its passage.

Approved, May 2, 1900.

ACTS OF 1901. CHAPTER 95.

AN ACT TO AUTHORIZE THE CITY LIBRARY ASSOCIATION
OF SPRINGFIELD TO HOLD ADDITIONAL REAL AND PER-
SONAL ESTATE.

Section 1. May hold additional real and personal estate.

Be it enacted, etc., as follows:—

May hold real and
personal estate
not exceeding
\$600,000.

SECTION 1. The City Library Association of Springfield is hereby authorized to hold real and personal estate for the purposes named in its act of incorporation, chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-four, to an amount not exceeding six hundred thousand dollars, exclusive of books in its library and collections of natural history and works of art in its museum.*

SECT. 2. This act shall take effect upon its passage.

Approved, March 5, 1901.

* Increased to \$1,500,000, Acts of 1902, ch. 155.

ACTS OF 1902. CHAPTER 134.

AN ACT RELATIVE TO THE POLICE DEPARTMENT OF THE
CITY OF SPRINGFIELD.

Section 1. City council may control and regulate police department.
May act through a board.

Be it enacted, etc., as follows : —

SECTION 1. The powers and duties conferred and imposed by chapter ninety-four of the acts of the year eighteen hundred and fifty-two upon the mayor and aldermen of the city of Springfield in relation to the establishment and maintenance of a police department, the appointment of a constable, or a city marshal and assistants, and all other police officers, may be exercised and performed by the city council, in such manner as it may from time to time prescribe, and wholly or in part through the agency of any persons acting as a board whom it may from time to time designate, and with such limitations of power as it may by ordinance determine.

City council to
control and regu-
late police depart-
ment.

May act by board.

SECT. 2. This act shall take effect upon its passage.

Approved, February 27, 1902.

ACTS OF 1902. CHAPTER 155.

AN ACT TO AUTHORIZE THE CITY LIBRARY ASSOCIATION
OF SPRINGFIELD TO HOLD ADDITIONAL REAL AND
PERSONAL PROPERTY.

Section.

1. Amendment of Acts of 1901, chapter 95, section 1. May hold additional real and personal estate.

Section.

2. Amendment of Acts of 1864, chapter 142, section 4. City may aid association while citizens have free access to library, etc.

Be it enacted, etc., as follows:—

Acts of 1901, chapter 95, section 1, amended.

May hold additional real and personal estate.

SECTION 1. Section one of chapter ninety-five of the acts of the year nineteen hundred and one is hereby amended by striking out the words "six hundred," in the sixth line, and inserting in place thereof the words:—one million five hundred,—so as to read as follows:—*Section 1.* The City Library Association of Springfield is hereby authorized to hold real and personal estate for the purposes named in its act of incorporation, chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-four, to an amount not exceeding one million five hundred thousand dollars, exclusive of books in its library and collections of natural history and works of art in its museum.

Acts of 1864, chapter 142, section 4, amended.

City may aid while citizens have free access.

SECT. 2. Section four of said chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-four, as amended by subsequent acts, is hereby amended so as to read as follows:—*Section 4.* So long as said corporation shall allow the inhabitants of the city of Springfield free access to its library and museums at reasonable hours, and shall further allow said inhabitants the free use of its books on its premises and for home reading, under such reasonable regulations and restrictions as may be imposed by the directors of said corporation, said city may appropriate and pay annually toward defraying the expenses of carrying on the work of said corporation, as authorized by its charter, such sums as the city may judge proper.

Approved, March 12, 1902.

NOTE.—At an election held Dec. 6, 1898, the city accepted the provisions of Chap. 267 of the Acts of 1898, providing for the pensioning of disabled firemen; and at an election held Dec. 4, 1900, accepted the provisions of Chap. 246 of the Acts of 1900, providing for the pensioning of firemen in certain cases; the provisions of these statutes are now incorporated in R. L., ch. 32, sects. 81 and 82.

At an election held Dec. 5, 1899, the city accepted the provisions of Chap. 344 of the Acts of 1899, making eight hours a day's work for certain employees of the city; this act is now incorporated in R. L., ch. 106, sect. 20.

At an election held Dec. 3, 1901, the city accepted the provisions of Chap. 332 of the Acts of 1901, providing that the term of office of the city clerk shall be three years; this act is now incorporated in R. L., ch. 26, sect. 15.

REVISED ORDINANCES,
1904.

CITY OF SPRINGFIELD.

IN THE YEAR ONE THOUSAND NINE
HUNDRED AND FOUR.

AN ORDINANCE

CONSOLIDATING AND REVISING THE ORDINANCES OF THE
CITY OF SPRINGFIELD.

Be it ordained by the city council of the city of Springfield, as follows:—

CHAPTER 1.

THE CITY SEAL.

Section.

1. Device and inscription of city seal.

Section.

2. Custody of seal.

SECTION 1. The design hereto annexed, as executed by Richard Paine, shall be the device of the city seal, the inscription being as follows, to wit: "Springfield, organized a town May 14, 1636, O. S., a city May 25, 1852."

Device and
inscription of city
seal.



SECT. 2. The city clerk shall be the custodian of the city seal.

Custody of seal.

CHAPTER 2.

WARDS.

Section.

1. City divided into eight wards.
Boundaries of wards defined.

Section.

2. Members of common council
apportioned among wards.

Division into
eight wards.

Ward 1 bounded.

SECTION 1. The city of Springfield is hereby divided into eight wards, described as follows, viz. :

Ward No. One. Beginning at a point on the Connecticut river on the line dividing the city of Chicopee from the city of Springfield, thence running easterly by said dividing line to the center of Newbury street, thence through the center of said Newbury street to the center of Liberty street, thence through the center of Liberty street to the center of Armory street, thence southerly through the center of said Armory street to the center line of the Boston and Albany railroad main tracks, thence westerly by the center line of said tracks to a point in the center line of Cass street extended, thence northerly to and along the center line of Cass street to Everett street, thence westerly through the center of Everett street to Chestnut street, thence northerly through the center of Chestnut street to Bond street, thence westerly through the center of Bond street to Main street, thence southerly through the center of Main street to Seventh street, thence westerly by the center line of Seventh street and by the said center line extended to the Connecticut river, thence northerly by said river to the point of beginning.

Ward 2 bounded.

Ward No. Two. Beginning at the Connecticut river at a point in the center line of Seventh street extended and running easterly to and through the center of Seventh street to the center of Main street, thence northerly through the center of Main street to Bond street, thence through the center of Bond street to Chestnut street, thence southerly through the center of Chestnut street to Everett street, thence easterly through the center of Everett street to Cass street, thence southerly by the center line of Cass street and by said center line of Cass street extended to the center line of the main tracks of the Boston and Albany rail-

road, thence westerly by said center line to the Connecticut river, thence northerly by said river to the point of beginning.

Ward No. Three. Beginning at a point on the Connecticut river in the southerly boundary line of Ward Two as above described, thence running easterly by the center line of the Boston and Albany railroad main tracks to the center of Chestnut street, thence southerly by the center line of Chestnut street to and across State street to the center line of Maple street, thence southerly by the center line of Maple street to the center line of Union street, thence westerly by the center line of Union street to the Connecticut river, thence northerly by said river to the point of beginning.

Ward 3 bounded.

Ward No. Four. Beginning at a point in the center line of Chestnut street and the center line of the Boston and Albany railroad main tracks, thence running easterly by the center line of said main tracks to the center of Armory street, thence southerly through the center of Armory street to the center of Summer street, thence westerly through the center of Summer street to the center of Federal street, thence southerly through the center of Federal street to and across State street to the center line of Walnut street, thence southerly through the center of Walnut street to the center of King street, thence easterly through the center of King street to the center of Hancock street, thence southerly through the center of Hancock street to the center of Ashley street, thence westerly through the center of Ashley street to the center of Cedar street, thence westerly through the center of Cedar street to the junction of the center of Cedar and Pine streets, thence southerly through the center of Pine street to the center of Maple street, thence northerly through the center of Maple street across State street to the center of Chestnut street, thence northerly by the center line of Chestnut street to the point of beginning.

Ward 4 bounded.

Ward No. Five. Beginning at a point in the center of the Boston and Albany railroad main tracks and the center of Armory street, thence running easterly by the center line of said main tracks to a point in the center line of Harvard street extended, thence southerly along the line last mentioned to and through the center line of Harvard street to Yale street, thence through the center of Yale street to the center of Dartmouth street, thence southerly by the center line of

Ward 5 bounded.

Catherine street to the center line of State street, thence easterly by the center line of State street to a point opposite the center line of Eastern avenue, thence southerly by the center line of Eastern avenue to the center line of King street, thence westerly by the center line of King street to the center of Walnut street, thence northerly by the center line of Walnut street to and across State street to the center line of Federal street, thence by the center line of Federal street to the center line of Summer street, thence easterly by the center line of Summer street to the center line of Armory street, thence northerly by the center line of Armory street to the place of beginning.

Ward 6 bounded.

Ward No. Six. Beginning at a point on the Connecticut river in the center line of Union street extended, thence running easterly by said center line through Union street to the center of Maple street, thence southerly by the center line of Maple street to the center line of Pine street, thence by the center line of Pine and Mill streets to the center of Main street, thence southerly by the center line of Main and South streets to the center line of the South End bridge extended, thence westerly along the line last mentioned to the Connecticut river, thence northerly by the Connecticut river to the point of beginning.

Ward 7 bounded.

Ward No. Seven. Beginning at the Connecticut river at said South End bridge, thence running easterly in the line of said bridge to the center of South street, thence northerly by the center line of South street and Main street to the center of Mill street, thence by the center line of Mill and Pine streets to a point at the junction of the center of Pine and Cedar streets, thence easterly by the center line of Cedar and Ashley streets to the center of Hancock street, thence northerly by the center line of Hancock street to the center of King street, thence easterly by the center line of King street to the center line of the main tracks of the Highland Division of the New York, New Haven and Hartford railroad, thence southerly by the last named center line to the southerly boundary line of the city of Springfield, thence westerly along said boundary line to the Connecticut river, thence northerly by said river to the point of beginning.

Ward 8 described.

Ward No. Eight. This ward is described as containing all that part of the city lying easterly of the other wards.

SECT. 2. The members of the common council of the city of Springfield are hereby apportioned among the several wards of the city as follows : To each ward, one member. To Wards One, Three, Four, Five, Six and Seven, each one member in addition to the one first named. To Wards Two and Eight, each two members in addition to the one first named.

Members of common council
apportioned
among wards.

CHAPTER 3.

PAYMENT OF CLAIMS AGAINST THE CITY.

Section.

1. No claim to be paid unless approved by auditor.
2. No account or claim to be received or acted upon by auditor unless certified by proper authority.
3. No money to be drawn from treasury without order of mayor. Mayor, etc., may draw in payment of accounts and claims allowed and certified by auditor; but within

Section.

- appropriations, etc. Auditor to notify mayor and council when appropriations are exhausted.
4. Bills to be certified, approved, and forwarded to auditor.
5. Mayor, etc., may draw in payment of ascertained sums, fixed salaries, etc., not to exceed appropriations.
6. Approval required for payment of employees of the city.

No claim to be paid unless approved by auditor.

SECTION 1. No claim shall be paid by the treasurer unless it shall have been approved by the auditor of accounts as required by ordinance, except as hereinafter provided.

No account or claim to be received or acted upon by auditor unless certified by proper authority.

SECT. 2. No account or claim against the city shall be acted upon by the auditor of accounts unless such account or claim shall be accompanied by a certificate of the mayor, or of some officer, committee, or agent authorized on behalf of the city to make the contract or cause the expenditure, that the same is correct.

No money to be drawn from the treasury without order of mayor.

SECT. 3. No money shall be drawn out of the city treasury without the written order of the mayor. The mayor, and in case of his absence or inability the acting mayor, is hereby authorized to draw orders on the treasurer for the payment of all accounts and claims allowed and certified by the auditor of accounts, as provided in the preceding section; but he shall not draw any order for services rendered or materials furnished by any department beyond the sum appropriated by the city council for the expenses of that department, together with the amount of the receipts of such department then to the credit thereof. Whenever any appropriation made by the city council for any department of the city, together with the amount of receipts of such department, has been expended, it shall be the duty of the city auditor to notify the mayor and the city council of the fact in writing, and

Mayor, etc., may draw in payment of accounts and claims allowed and certified by auditor; but within appropriations, etc.

Auditor to notify mayor and council when appropriations are exhausted.

thereafter no further expenditure shall be made in such department until the city council shall have provided means therefor.

SECT. 4. Heads of departments shall certify to the correctness of all bills incurred by them, and after approval thereof by the committee or board authorized to approve their department expenditures shall forward the same without delay to the auditor of accounts, on or before the fourth day of each month.

Bills to be certified, approved and forwarded to auditor.

SECT. 5. The mayor, and in case of his absence or inability the acting mayor, is authorized to draw his orders upon the city treasurer for the payment of any certain and ascertained sums due from the city, pursuant to any ordinance or vote of the city council ; and for the payment to city officers of salaries or compensation for services, in all cases in which the amount of such salaries or such compensation is fixed by ordinance or vote of the city council ; and for the payment of the stipulated compensation to the teachers of the public schools, upon a certificate authorized by the school committee, of the sums due from time to time to the teachers respectively, pursuant to the contracts under which they are severally employed ; and for the payment of any sum, either as principal or interest, due on any note, bond, or other like written obligation of the city ; and for the payment of any claim against the city, the amount of which has been determined by a lawful judgment of a judicial court. But no such order shall be drawn exceeding the appropriations which have been made by the city council for said several purposes.

Mayor, etc., may draw in payment of ascertained sums, fixed salaries etc., not to exceed appropriations.

SECT. 6. The treasurer is authorized and directed, with the written approval of the mayor and city auditor, to pay weekly employees of the city as follows :

Approval required for payment of employees of the city.

In the highway department and its various branches under the supervision of the superintendent of streets, on the approval of the superintendent of streets.

In the forestry department on the approval of the city forester.

In the park department on the approval of the chairman of the park commission and the superintendent of parks.

In the scavenger and ash departments on the approval of the agent of the board of health.

The permanent men of the fire department on the approval of either the chief or deputy chief engineer.

CHAPTER 4.

COLLECTION OF CLAIMS DUE THE CITY.

Section.

1. Executive departments shall file monthly with auditor itemized bills of claims due the city.
2. Auditor shall each month file list of claims due the city and itemized bills with collector, and shall file list with treasurer.

Section.

3. Collector to be charged with amount of commitments; and credited with amounts collected, abatements, etc.
4. Duties of collector in regard to claims due the city.

Executive departments shall file monthly with auditor itemized bills of claims due the city.

SECTION 1. On or before the tenth day of each month all of the executive departments of the city government except the board of water commissioners shall file with the auditor of accounts itemized bills duly approved of all claims that have become due the city in their several departments.

Auditor shall each month file list of claims due the city and itemized bills with collector, and shall file list with treasurer.

SECT. 2. On or before the twentieth day of each month the auditor of accounts shall make out a list of all claims due the city that have been filed with him, entering those from each department, together with the name and address of each debtor, the amount of the claim and the consideration therefor, and transmit said list with the itemized bills to the collector of taxes, and file a summary of the same with the city treasurer.

Collector to be charged with amount of commitments;

and credited with amounts collected, abatements, etc.

SECT. 3. The collector of taxes shall be charged on the books of the city auditor and the city treasurer with the total amount of all such commitments, and credited with all amounts collected and turned over to the city treasurer on bills so committed, and also credited with abatements and corrections made by authorized boards and committees, and sanctioned by the city auditor.

Duties of collector in regard to claims due the city.

SECT. 4. Said collector shall file weekly with the city treasurer a statement showing what claims he has collected since his last return, upon each list in his hands, and pay over to the city treasurer the amounts so collected. As often as once in every six months said collector shall furnish the committee of finance a list of all unpaid claims that have been in his hands

over six months, with brief memoranda of reasons for their non-payment. Said committee may order the collection of such claims by suit or otherwise, or may abate the same as it may deem advisable. The collector's official bond shall be made to cover all his duties under this chapter.

CHAPTER 5.

SALARIES.

Section.

1. Compensation of certain city officers.
2. Compensation of water commissioners.
3. Compensation of the overseers of the poor, and of the agent of the board.
4. Compensation of city engineer and of assistant engineers.
5. Compensation of members of the police department.
6. Compensation of members of the fire department.

Section.

7. Members of fire department ; penalty, vacation, salary of assistant acting as chief, disability, period of duty, claims for pay, forfeiture.
Appointment of extra call men.
8. Salaries paid monthly unless otherwise provided.
9. City council may fix salaries not otherwise provided for.

SECTION 1. The annual compensation of the city officers and employees is hereby established as follows :—

Mayor.

The mayor, three thousand dollars, which sum shall not be increased or diminished during the year for which he is chosen :

Clerk.

City clerk, twenty-four hundred dollars, which sum shall be in full for the performance of all the duties of his said office, except such duties as he may perform as clerk or member of the board of registrars of voters, the compensation for which shall be the same as has already been or may hereafter be fixed by the city council for the other members of the said board :

Treasurer.

City treasurer, two thousand five hundred dollars, which sum shall be in full for the performance of all duties of said office, including the duties of treasurer of the sinking funds :

Auditor.

City auditor, one thousand six hundred dollars, which sum shall be in full for all services performed by him as such auditor :

Collector.

Collector of taxes, twenty-two hundred dollars:

Clerk of common council.

Clerk of the common council, three hundred dollars:

Messenger.

City messenger, one thousand two hundred dollars payable weekly :

Superintendent of streets and sewers; and

Superintendent of streets and sewers, twenty-three hundred dollars, which sum shall be in full for all services rendered by him as such superintendent:

First assistant superintendent of streets, twelve hundred dollars: assistants.

Second assistant superintendent of streets, twelve hundred dollars:

Board of assessors, forty-two hundred dollars per year in full for all services, to be divided as follows: Assessors.
Chairman sixteen hundred dollars; each of the other two members of the board thirteen hundred dollars. This compensation of the assessors shall include that provided for assessors by the Revised Laws of the Commonwealth or any amendments thereof.

Assistant assessors, the following compensation, to wit: For services rendered in their first and second years of service, three dollars per day; for services rendered in their third and fourth years of service, three dollars and fifty cents per day; for services rendered in their fifth year of service or thereafter, four dollars per day: Assistant assessors.

City forester, twelve hundred dollars, which sum shall be in full for all services rendered by him to the city: City forester.

City physician, one thousand dollars in full for all services rendered by him as such physician: City physician.

That member of the board of health who serves as health physician and clerk of the board, one thousand dollars in full for all services rendered by him as a member of said board: Health physician.

Agent of the board of health, twelve hundred dollars: Agent of the board of health.

Inspector of buildings, one thousand dollars: Building inspector.

Inspector of milk and vinegar, nine hundred dollars, which sum shall be in full for all services rendered by him. Said inspector shall devote his entire time to the duties of his office. Milk, etc., inspector.

Inspector of meats, provisions and animals, three hundred dollars: Meats, etc., inspector.

Schoolhouse agent, fifteen hundred dollars, which shall be in full for all his services, and for the use of a horse and wagon if such shall be necessary, to be furnished and kept by said agent: Schoolhouse agent.

Members of the board of public works shall each receive three dollars per day for each day's services. Board of public works.

Election officers shall receive such compensation for their services as the city council may from time to time by order determine. Election officers.

The officer designated under the provisions of Inspector of wires.

chapter two hundred and seventy-six of the Acts of the General Court of Massachusetts in the year nineteen hundred shall receive compensation of one hundred dollars per annum.

Water commissioners.

SECT. 2. The members of the board of water commissioners shall serve without compensation, except that the chairman of said board shall receive a salary of twelve hundred dollars per annum.

Overseers of the poor.

SECT. 3. The board of overseers of the poor shall serve without compensation. Said board shall be allowed a sum not exceeding two thousand dollars for the services of an agent or clerk, including the use of a horse and wagon, to be furnished and kept by said agent or clerk ; said compensation to be in full for all services which he shall perform for the city.

Agent of the board.

City engineer.

SECT. 4. The annual compensation of the city engineer is hereby established at twenty-three hundred dollars, which sum shall be in full for all services performed by him for the city as such engineer.

Assistant engineers.

The compensation of one assistant engineer, who shall be known and designated as the first assistant engineer, shall be twelve hundred dollars per annum, payable in monthly instalments, and said first assistant engineer shall give his entire services to the city. The compensation of other assistant engineers shall be fixed as provided by section five of chapter sixteen of the ordinances.

Police department.

SECT. 5. Annual compensation of the members of the police department shall be as follows :

City marshal.

City marshal, eighteen hundred dollars, which sum shall be in full for his services, and the use of a horse and carriage, if such shall be necessary, to be furnished and kept by said marshal :

Assistant marshal.

Assistant marshal, thirteen hundred dollars:

Captain.

Captain of the watch, eleven hundred and seventy-five dollars:

Lieutenant.

Lieutenant, eleven hundred dollars:

Inspectors.

Inspectors, eleven hundred dollars each:

Sergeants.

Sergeants, ten hundred and fifty dollars each:

Police matron.

Police matron, five hundred dollars:

Watchmen.

Night and day watchmen as follows, to wit: each who is or may be serving his first year of service, or the first year of service after an interval of non-service, eight hundred dollars ; each who is or may be serving his second year of continuous service, eight hundred and fifty dollars ; each who is or may be serving his

third or any subsequent year of continuous service, one thousand dollars. The police commission may also in its discretion reimburse any police officer for damages to his clothing received while on duty.

Members of the reserve police force, each the sum of two dollars and nineteen cents a day when actually employed: Reserve policemen.

Special policemen, one dollar and seventy-five cents per day for day service, and two dollars per night for night service: Special policemen.

The assistant marshal, captain of the watch, and night and day watchmen shall each be entitled to an absence from duty of fourteen days during each year of their service, with full pay, such absence to be with the approval of the marshal. Absence from duty with pay.

SECT. 6. Compensation of members of the fire department shall be as follows: Fire department.

Chief engineer, eighteen hundred dollars per annum, payable weekly: Chief engineer.

Deputy chief engineer, fourteen hundred dollars per annum, payable weekly: Deputy chief engineer.

First assistant call engineer, at the discretion of the board of commissioners of the fire department, an amount not less than two hundred and fifty, nor exceeding three hundred and fifty dollars per annum, payable quarterly; other assistant call engineers each two hundred and fifty dollars per annum, payable quarterly: Assistant call engineers.

Superintendent of fire alarm and *ex officio* assistant engineer eleven hundred and fifty dollars per annum, in full payment of services as said superintendent and assistant engineer, payable weekly; also the additional sum of three hundred dollars per annum for the care and supervision of the rooms, apparatus, machinery and fixtures of the police signal telegraph system; to be charged to the account of the police commission: Superintendent of fire alarm.

Captains permanently employed, not exceeding two dollars and eighty cents per day, payable weekly, the amount allowed each captain to be determined by the board of commissioners of the fire department: Captains.

Call captains, twenty-five dollars per annum in addition to their pay as call men of the department, payable quarterly: Call captains.

Each lieutenant permanently employed, the sum of fifteen cents per day in addition to his pay as a permanent man: Lieutenants.

Engineers.

Engineers of steam engines, two dollars and fifty cents per day for the first five years' continuous service; after five years' continuous service, two dollars and seventy-five cents per day, payable weekly:

Drivers, tillermen, linemen, ladder-men, enginemen, hydrantmen.

Drivers, tillermen, linemen, laddermen, enginemen of chemical engines and hydrantmen, permanently employed, each who is or may be serving his first year of service, two dollars per day; each who is or may be serving his second year of service, two dollars and ten cents per day; each who is or may be serving his third or any subsequent year of service, two dollars and fifty cents per day:

Call members.

Call members of the fire department except those of Hose Company No. 5 Combination located at Indian Orchard, one hundred dollars per annum for the first year of service, and one hundred and seventy-five dollars per annum thereafter, payable quarterly, except that the board of commissioners of the fire department may in case of a reappointment and for previous good service establish the pay of a newly appointed member as of the second year of a call member:

Running members.

Running members, except those of Hose Company No. 5 Combination as aforesaid, sixty dollars per annum, payable quarterly:

Call men of Hose 5.

Call men of Hose Company No. 5 Combination eighty-seven dollars and fifty cents per annum, and running members thirty dollars per annum, payable quarterly.

Penalty for absence.

SECT. 7. Members of the fire department absent from fires, unless previously excused by the captain of the company, or upon excuse deemed sufficient by the board of engineers, shall pay a penalty sum of one dollar for each absence, the same to be deducted from their quarterly pay roll. The commissioners of the fire department may, if they deem it expedient, grant a vacation of not exceeding two weeks each year to the members of the fire department without loss of pay. Drivers, hydrantmen, tillermen, laddermen, enginemen and captains permanently employed shall be allowed a vacation of three days in each month without loss of pay, provided that men on such three days vacation shall answer all general alarms of fire during such three days.

Vacation.**Salary of assistant acting as chief.**

In case of the absence from the city of the chief engineer, or deputy chief engineer, except upon leave,

or of his or their disability from any cause to perform his or their duties, the portion of salary due for the period of such absence or disability shall be paid to such assistant engineer as shall perform said duties ; *provided*, however, that if it shall appear, to the satisfaction of the commissioners of the fire department, that such disability arises from injuries incurred or disease contracted, in the discharge of duty as such engineer, the said commissioners of the fire department may order payment of the compensation that would otherwise be forfeited, or such part thereof as they may deem proper, for the whole or part of the period during which such disability shall continue or may have continued, without prejudice, however, to the right of the assistant in charge to the compensation therefor above provided.

Any member of the fire department in active service, except a chief engineer and deputy chief engineer, injured while doing fire duty, if the injury renders him unable to attend to his regular duties or business, shall receive his full pay from the city during his disability, not to exceed twelve weeks in all for each disability.

Pay while under disability.

Members of the department shall be considered doing fire duty when answering a call from an alarm bell or still alarm of fire, when working at a fire, when returning from answering a fire alarm, when engaged in collecting hose or other fire apparatus left at the place of a fire by any member of the department after orders to "limber up" or when attending the annual inspection of said department ; and it shall be considered that the period of such duty in case of fire or an alarm of fire, commences the moment an alarm from the fire alarm telegraph or the moment a still alarm is given, at any company headquarters, when such an alarm has been reported. In case of inspections and parade, the period of duty shall be considered to commence with the moment of such member taking his place in the company ranks and shall end at the completion of the roll call before dismissal of his company or at the moment of dismissal of the department in any legal manner.

Period of duty defined.

No claim for pay shall be considered unless made to the chief of the department within three days from date of injury claimed to be the cause of disability, and all such claims shall be submitted to the board of

Claims for pay.

commissioners and the chief of the fire department for their approval.

Forfeiture of compensation.

Every officer or member (except those permanently employed) who shall not serve the whole period between pay days, as established by the city council, except in case of sickness or death, or removal from the city, or temporary absence on leave, or who shall be removed from the department, or deposed from his office, for cause, shall forfeit any and all compensation that would otherwise be due him at the time when his services ceased or such removal or deposing took place.

Extra call men may be appointed.

The board of commissioners of the fire department may, if they deem it expedient, appoint extra call men for fire service, whose compensation shall not exceed thirty cents per hour for actual service rendered in extinguishing fires or in drill practice.

Salaries payable monthly unless otherwise provided.

SECT. 8. The salaries mentioned in this chapter shall become due and payable in monthly instalments unless otherwise specified herein, or otherwise provided by law.

City council may fix salaries not otherwise provided for.

SECT. 9. All salaries not otherwise provided for in this chapter, shall be such as the city council may determine from time to time by concurrent vote.

CHAPTER 6.

CONTRACTS WITH THE CITY AND THE HIRING OF LABOR.

Section.

1. No member of city council, member of board or commission, or officers of city shall have private interest in contract without express authority. R. L., chapter 210, § 9.
2. Certain contracts to be in writ-

Section.

- ing and not to be altered unless, etc.
3. Certain contracts to be accompanied by suitable bonds. No proposal shall be accepted, when. Custody of written contracts.
4. Preference to be given to laborers who are residents.

SECTION 1. No member of the city council, no member of any board or commission, and no officer chosen or appointed by the city council, or by either branch thereof, shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labor, or for any materials, goods, wares, or merchandise furnished to the city wherein the city is a party interested, unless the same be expressly authorized to be made and entered into with such a person by some ordinance or order of the city council.

No member of city council, member of board, commission, or officers of city shall have private interest in contract without express authority. R. L., chapter 210, section 9.

SECT. 2. In all cases where the amount of any contract shall exceed one thousand dollars, the contract shall be in writing and shall be signed by the mayor and a majority of the committee or commission in charge of the work on the part of the city, and, after being signed by the parties, no such contract shall be altered in any particular unless a majority of said committee or commission shall signify their assent thereto in writing, under their respective signatures, indorsed on said contract, and approved by the mayor.

Certain contracts to be in writing and not to be altered, unless, etc.

SECT. 3. Every contract exceeding five hundred dollars in amount, for the erection, alteration or repair of any building owned or to be owned by the city, shall be accompanied by a suitable bond with sureties for the faithful performance of the same, or by the deposit of money or security to the amount of such bond, the amount of the bond and the sureties to be approved by the mayor. No proposal shall be accepted from or for any person who shall have broken a contract with the city during the three years preceding. One copy

Certain contracts to be accompanied by suitable bonds.

No proposal shall be accepted, when.

Custody of
written contracts.

of all written contracts shall be deposited with the city clerk and one copy with the city treasurer as soon as practicable after its execution.

Preference to be
given laborers
who are residents.

SECT. 4. In the hiring of labor by any official, committee or commission of the city, the preference shall in all cases, as far as practicable be given to properly qualified *bona fide* residents of Springfield.

CHAPTER 7.

THE COLLECTION OF TAXES.

Section.

1. Collector may use all means of collecting taxes which town treasurer when collector may. Office of collector.

Section.

2. Taxes to be payable October 1; interest chargeable from October 1, on taxes unpaid after November 1. Collector to collect and keep account of interest, etc.

SECTION 1. The collector of taxes of the city of Springfield may use all means of collecting taxes which a town treasurer when appointed collector may use, and shall be provided with an office by the city council.

Collector may use all means of :
collecting taxes which town treasurer when collector may.
Office to be provided.

SECT. 2. Taxes assessed in the city of Springfield shall be due and payable on the first day of October next after the assessment thereof, in each year, and all persons or corporations who shall not pay such taxes assessed upon them until after the first day of November, next after such first day of October, shall pay interest thereon from the first day of October next previous to such first day of November, at such rate per centum as the city council may, annually, lawfully order; and the collector of taxes shall collect the same, and keep an account thereof, in addition to the account of taxes collected, and pay the same into the city treasury.

Taxes to be payable October 1.

Interest chargeable from Oct. 1, on taxes unpaid after Nov. 1.

Collector to collect and keep account of interest, etc.

CHAPTER 8.

ESTABLISHING SINKING FUNDS AND PROVIDING FOR THE
ELECTION OF SINKING FUND COMMISSIONERS.

Section.	Section.
1. Sinking funds to be established.	how elected, term of office.
2. Commissioners of sinking fund,	Vacancies, how filled.
	3. Duties, etc., of commissioners.
Sinking funds to be established.	SECTION 1. Sinking funds shall be established for the payment of all indebtedness of the city for the payment of which sinking funds are or shall hereafter be required under any provisions of law.
Commissioners of sinking fund, how elected.	SECT. 2. The present commissioners of the sinking fund shall continue to hold office for the terms for which they have been respectively elected. Annually hereafter, on the first Monday in February, or within sixty days thereafter, there shall be elected, by concurrent vote of both branches of the city council, to serve for the term of three years from the next first day of April, a commissioner to take the place of the commissioner whose term of service shall then expire. If any vacancy shall occur in said commission, by death or otherwise, such vacancy shall be filled, for the unexpired term, by an election by the city council, by concurrent vote as aforesaid.
Term of office.	
Vacancies, how filled.	
Duties, etc., of commissioners.	SECT. 3. Said commissioners shall serve without pay, shall have charge of all of the sinking funds of the city, shall keep records of their doings, shall perform all duties incumbent on them by law, and shall annually, in the month of November, and whenever requested by the city council, report to the city council the condition of the sinking funds of the city.

CHAPTER 9.

THE METHOD OF ELECTING CERTAIN OFFICERS.

Section.	Laws.
1. Time of election of officers chosen by the city council.	§ 31. Vacancies in board of aldermen.
2. To hold office for one year from first Monday in April, and until successor is qualified.	§ 32. If mayor is not elected, who to perform duties.
3. To be elected by concurrent vote; effect of failure to concur.	§ 33. Vacancies in city or ward offices, how filled.
4. Provisions as to time of election directory.	§ 34. Removal from ward not to disqualify city officers.
5. Adoption of certain sections of chapter twenty-six of the Revised Laws.	§ 35. Mayor, etc., may hold other offices, except of emolument.

SECTION 1. All city officers whose election or appointment by the city council is required either by law or ordinance, excepting those officers the time of whose election or appointment is otherwise prescribed by law or ordinance, shall be elected or appointed as the case may be on the first Monday of February in each year, or within sixty days thereafter.

Time of election of officers chosen by the city council.

SECT. 2. Every city officer elected or appointed under the provisions of section 1 shall hold his office (if not sooner removed) for one year from the first Monday of April in the year in which he shall be elected or appointed, and until a successor shall be elected and qualified.

To hold office for one year from first Monday in April and until successor is qualified.

SECT. 3. All officers whose mode of election is not prescribed by law, or by some ordinance of the city, shall first be elected in the board of aldermen, and thereupon by the common council in concurrence. Failure to concur shall be deemed rejection.

To be elected by concurrent vote. Effect of failure to concur.

SECT. 4. Whenever any ordinance shall provide for the election of any city officer at or within a time specified, such provision shall be considered as directory, and an election after such time shall be valid.

Provisions as to time of election directory.

SECT. 5. Sections thirty-one to thirty-five inclusive of chapter twenty-six of the Revised Laws are hereby accepted and adopted as follows, viz.:

Adoption of certain sections of chapter 26 of the Revised Laws.

“SECT. 31. If, in a city the city council of which votes to accept the provisions of this and the three following sections or has accepted the corresponding pro-

Vacancies in board of aldermen.

visions of earlier laws, at or after the time for the mayor and aldermen to enter upon the performance of their duties, it appears that the mayor or the full number of aldermen has not been elected, such of said officers as have been elected shall issue warrants for the election of a mayor or of aldermen as necessary. If none of said officers has been elected, the president of the common council shall issue such warrants.

If mayor is not elected, who to perform duties.

“SECT. 32. If no mayor has been elected, the president of the board of aldermen shall perform the duties of the office until a mayor is chosen and sworn.

Vacancies in city or ward offices, how filled.

“SECT. 33. If there is a vacancy in the board of aldermen, in the common council, or in a city or ward office which is to be filled by an election of the people, the mayor and aldermen shall issue their warrant for elections to fill such vacancy at a time and place designated by them.

Removal from ward not to disqualify city officers.

“SECT. 34. City officers shall, notwithstanding their removal from one ward of the city into another, continue to perform their official duties during their term of office.

Mayor, etc., may hold other offices except of emolument.

“SECT. 35. The mayor or an alderman or member of the common council of a city which adopts the provisions of this section, or has adopted the corresponding provisions of earlier laws, may at the same time hold any other office under the city government to which he may be chosen, except one of emolument.”

CHAPTER 10.

DUTIES OF CERTAIN OFFICERS.

Section.

1. Duties of city treasurer.
2. Duties of collector as to paying over.
3. Overseers of the poor and school committee, when to meet, etc.
4. City treasurer to advance money to overseers of the poor for necessary expenses; money to be refunded, when.

Section.

5. Overseers of poor to make report, etc.
6. Master of almshouse to be elected annually.
7. Master of almshouse to have the care, etc., of children committed to the almshouse.
8. Supervisor of wires designated to enforce Act of 1900, ch. 276.

SECTION 1. The city treasurer shall make up his accounts to and including the tenth day of December in each year, and the fiscal year shall end on that day. He shall cause all books, papers and other property under his care, belonging to the city, to be as securely kept as the means furnished by the city shall permit. He shall render such services and furnish such information respecting the accounts, finances, and payments of the city, as either branch of the council or any committee thereof may from time to time require. He shall once in six months, and oftener if required, lay before the city council a statement of the condition of the treasury, and of all moneys received and paid by him as treasurer during the preceding six months. He shall keep such a system of accounts as the auditor of accounts shall direct; and he shall at all times furnish to said auditor such information as the duties of the auditor shall require.

Duties of city treasurer.

SECT. 2. The collector of taxes shall, on Monday of each week, pay over to the city treasurer all moneys by him collected to said date. He shall collect and pay over to the treasurer, (including payment on the county tax,) one-half of the whole amount committed to him, within three months of the time of commitment, and one-quarter more in two months thereafter, and the residue as soon as practicable, but no later than the first day of December of the following year.

Duties of collector as to paying over.

SECT. 3. The overseers of the poor and the school committee shall meet at least as often as once in each month, for the transaction of business; and, at the commencement of each municipal year, shall give public

Overseers of poor and school committee, when to meet, etc.

notice of the times and places of their meetings during the year ; and accounts and claims may be certified and approved by them at any meeting at which a quorum is present.

City treasurer to advance money to overseers of the poor for necessary expenses ;

money to be refunded, when.

Overseers of the poor to make report, etc.

Master of almshouse to be elected annually.

Master of almshouse to have care etc., of children committed to the almshouse.

SECT. 4. The city treasurer shall pay over to the overseers of the poor, as soon after the tenth day of December in each year as said overseers may desire, the sum of two hundred dollars. The same shall be paid on the written request of said overseers, and the written order of the mayor, and be charged to the appropriation for the pauper department. Said money shall be kept by said overseers apart from any money of their own and as the money of the city, and shall be used only for such traveling and other necessary expenses as may be called for by any emergency which must be met at once and without the delay incidental to the approval and payment of bills as provided by ordinance. Whenever any expense shall have been paid out of said fund, the bill therefor shall be approved and paid by the treasurer, to said overseers to be placed to the credit of said fund and to become a part thereof, to make good the amount used by them. Said board shall, annually, prior to the tenth day of December, pay over to said treasurer said sum of two hundred dollars and the same shall be placed to the credit of said pauper department.

SECT. 5. The overseers of the poor shall annually, on or before the twentieth day of December, report to the city council their proceedings in the discharge of the duties of their office, with a statement of their expenditures, the expenses and income of the city farm, the number of persons supported at the almshouse, and of those wholly or partially supported out of it, and the amount paid for the latter.

SECT. 6. The overseers of the poor shall annually, as soon after their election as may be convenient, elect some suitable person to be master of the city almshouse, who shall hold his office for one year, and until his successor is elected, unless sooner removed by said overseers of the poor.

SECT 7. The master of the city almshouse shall, under the direction of the overseers of the poor, have the care, custody, and discipline of all children committed to said almshouse, under the provisions of the Revised Laws relating to the care and education of neglected children.

SECT. 8. The supervisor of wires is hereby designated as the officer who shall have authority to enforce the provisions of chapter* two hundred and seventy-six of the Acts of the General Court of Massachusetts in the year nineteen hundred, as now or hereafter amended.

Supervisor of
wires designated
to enforce Act of
1900, chapter 276.

* See page 73.

CHAPTER 11.

COMMITTEES.

Section.

1. What committees shall be appointed.
2. Committees to report annually to finance committee estimate of amounts needed in their several departments.
3. Duties of committee on finance.
4. Powers and additional duties of committee on finance.
5. Committee on city property ;

Section.

- powers and duties ; not to make expenditure of over \$500 without vote of city council.
6. Committee on printing ; powers and duties. Not to make contract which shall exceed \$200 in amount without authority from city council.

What committees shall be appointed.

SECTION 1. There shall be appointed by the city council annually in the month of January, the following committees :—

A committee on finance to consist of the mayor, one alderman, the president of the common council and two members of the common council.

A committee on city property ; a committee on the fire department ; a committee on the pauper department ; a committee on lighting streets, and a committee on streets and sidewalks. Each of these committees shall consist of two aldermen and three members of the common council.

Also a committee on printing, to consist of the mayor, the president of the common council, and one member of the common council.

There shall be appointed annually in the month of January by the mayor and board of aldermen a committee on sewers and drains to consist of three aldermen.

Committees to report annually to finance committee estimate of amounts needed in their several departments.

SECT. 2. The committee on the fire department, the committee on lighting streets, the committee on the pauper department, the committee on streets and sidewalks, and the committee on sewers and drains shall annually, in the month of February, prepare and communicate to the committee on finance an estimate of the amount of money necessary to be raised for the then current fiscal year, for the use of their respective departments.

Duties of committee on finance.

SECT. 3. The committee on finance shall annually, in the month of March or April, prepare and lay be-

fore the city council an estimate of the amount of money necessary to be raised for the then current fiscal year, under the various heads of appropriations, and the ways and means of raising the same; and shall also in the month of December annually prepare, to be laid before the city council, a statement of all the receipts and expenditures of the fiscal year then passed, giving in detail the amount of appropriation and expenditure for each department, and said statement shall be accompanied with a schedule of the property, real and personal, belonging to the city, and the value thereof, and of the amount of the city debt.

SECT. 4. The committee on finance shall have access to all books and papers in the official keeping or possession of any officer of the city, and shall have the right, and it shall be their duty, as often as once in each year, to inspect the notes and securities in the official charge of the city treasurer, and they shall have the power to require new or additional security for any debt due the city, whenever in their opinion the interests of the city require it.

Powers and additional duties of committee on finance.

SECT. 5. The committee on city property shall have the care and custody of all the public property, except as otherwise provided by law or ordinance; and shall provide all the labor and purchase all the materials necessary for repairing the same, and shall superintend all the repairs thereof; *provided*, that no expenditure exceeding five hundred dollars shall at any time be made, in the alteration or repair of any building, without a vote of the city council expressly authorizing the same.

Committee on city property; powers and duties;

not to make expenditure of over \$500 without vote of city council.

SECT. 6. It shall be the duty of the committee on printing to contract for the city printing; to see that the work performed and the materials furnished are in conformity with the terms of the contract, and to approve all bills for printing; *provided*, said committee shall make no contract for printing which shall exceed two hundred dollars in amount, without first obtaining authority therefor from the city council.

Committee on printing; powers and duties.

Not to make contract which shall exceed \$200 in amount without authority from city council.

CHAPTER 12.

CITY AUDITOR.

Section.

1. Appointment of city auditor ;
shall be sworn.
2. Duties and powers.

Section

3. In case of vacancy or inability,
auditor *pro tempore* shall be
appointed.

Appointment of
city auditor.

SECTION 1. There shall, annually during the month of January, and whenever a vacancy may occur, be appointed by the mayor, with the approval of the board of aldermen, an auditor of accounts for the city of Springfield who shall be a resident thereof, and who shall continue in office for one year from the first of the current January and until his successor is appointed and qualified. Before entering upon the duties of his office he shall be sworn to the faithful discharge thereof.

Shall be sworn.

Duties and
powers.
To examine claims
against city;

SECT. 2. It shall be the duty of said auditor to carefully examine all claims against the city (except those of the water department, those that have been settled by the board on claims or by vote of the city council, and those that are otherwise provided for by chapter No. 3), and ascertain whether all prices charged are fair, and the claims just, reasonable, properly incurred, and correct. If he shall be thus satisfied, he shall approve the same by affixing his signature thereto in writing ; and if not approved by him, he shall forthwith notify the party certifying the claim of the reasons for his disapproval thereof. He shall, in the months of March, June, September and December of each year, and at such other times as he may desire, examine the accounts, vouchers, receipts and cash of the treasurer, and all securities in his possession, and the accounts of the water department, and report to the committee on finance the result of such examinations ; and during the months of June and December of each year, and at such other times as the committee on finance request, he shall examine the accounts of the collector of taxes and of all other parties accountable to the city for money collected or received, and

to examine
accounts, etc., of
treasurer and
water depart-
ment;

to examine
accounts of col-
lector of taxes.

report the result of such examinations to said committee. He shall, so far as may be necessary for the proper performance of his duties, have access to all books, documents, and vouchers in the possession of any party whose accounts he is authorized to examine and which relate to said accounts. He shall keep proper books of account in double entry, in which he shall charge against their respective appropriations all claims approved by him as aforesaid, and shall keep such other accounts as he may deem advisable or the committee on finance direct. He shall on or before the third Monday in December of each year, and oftener if they request, lay before the city council a statement certifying that he has examined and audited said accounts and the condition thereof, and make a report of the receipts and expenditures for the financial year.

Shall have access to books, etc.

Shall keep accounts;

and report annually to city council.

SECT. 3. In case of a vacancy in said office of auditor, or of his inability to perform his duties by reason of sickness or absence, the duties of the office shall be performed by an auditor *pro tempore*, who shall be appointed by the mayor and approved by the board of aldermen, and who shall be paid out of the salary of the auditor unless otherwise ordered by the city council.

In case of vacancy or inability, auditor *pro tempore* shall be appointed.

CHAPTER 13.

ASSESSORS AND ASSISTANT ASSESSORS.

Section.	Section.
1. Assistant assessors, when and how elected.	5. Secretary to certify as to service of assistant assessors.
2. Assessors to meet, organize, and choose chairman and secretary.	6. Assessors to complete assessment, etc., by Sept. 1, annually.
3. Duties of secretary.	7. May abate taxes; shall report abatements to city council.
4. Duties of assistant assessors.	

Assistant assessors, when and how elected.

SECTION 1. In the month of January, or within sixty days after the organization of the council in each year, there shall be elected by the city council, in joint convention, eight assistant assessors, who shall hold office for one year from the first day of April in the year of their election. They shall be resident citizens of Springfield, and shall severally receive for each day's service such sum as the city council shall from time to time by ordinance determine.

Assessors to meet, organize, and choose chairman and secretary.

SECT. 2. The assessors shall meet as soon as practicable after their election, and organize themselves into a board, to be called the board of assessors, by the choice of a chairman and secretary from among their own number.

Duties of secretary.

SECT. 3. It shall be the duty of the secretary of the board thus organized to keep the records of its doings in a book provided for the purpose, recording them in the order in which they occur.

Duties of assistant assessors.

SECT. 4. It shall be the duty of the assistant assessors to aid the assessors in taking the lists of the polls and appraising the value of the real and personal estate, and to perform such other duties connected with the assessment of taxes as the board of assessors may require. And each assistant assessor shall be employed for such time as the assessors shall deem necessary.

Secretary to certify as to service of assistant assessors.

SECT. 5. It shall be the duty of the secretary of the board of assessors to certify the number of days that the assistant assessors have severally devoted to the service of the city; and the said assistant assessors shall severally receive pay only for such number of days' service as shall have been so certified.

SECT. 6. The assessors shall annually complete the assessment of taxes and commit the same with the warrants to the collector by the first day of September.

Assessors to complete assessment, etc., by Sept. 1, annually.

SECT. 7. The assessors of each year are authorized in their discretion to abate any taxes assessed by them, and they shall report a list of such abatements to the city council on or before the first day of December in each year.

May abate taxes; shall report abatements to city council.

CHAPTER 14.

CITY MESSENGER.

Section.	Section.
1. City messenger, when and how elected; term of office.	5. Shall receive no fees, except, etc.
2. Duties as to serving notices, etc.	6. Duties as to grounds, etc., around city hall.
3. Duties as to care of rooms, and attendance upon city council.	7. Duties as to warming and lighting city hall building, and as to ward rooms.
4. Duties as to city hall when rented. May procure assistance in certain cases.	
City messenger when and how elected;	SECTION 1. There shall be elected annually on the first Monday of February, or within sixty days thereafter, by concurrent vote of the two branches of the city council, a messenger, who shall hold his office for one year from the first Monday in April of the year in which he is chosen, and until another is chosen and qualified in his stead, unless sooner removed by the vote of the city council.
term of office.	SECT. 2. The messenger shall receive, deliver and execute all notifications, summonses and precepts, the service of which is not otherwise provided for, issued by the mayor, the president of the common council, the city council or either branch thereof, or by any committee of the same, and make due return thereof. He shall notify all committees of their meetings, upon request of the city clerk, clerk of the common council, or the chairman of such committee. He shall receive and deliver all notifications to officers elected or appointed by the city council, or either branch thereof, and to all officers elected at ward meetings, except as otherwise provided by law or ordinance.
Duties as to serving notices etc.	SECT. 3. He shall prepare and arrange the rooms in which the city council shall hold their sessions, or in which any committee of either branch shall hold its meetings, and see that the same are properly and seasonably warmed and lighted. He shall attend upon both branches of the city council while in session, and upon either branch when in session separately, and, under direction of the proper committee or officers, provide such things as may be necessary for their accommodation, or for the accommodation of committees while in session.
Duties as to care of rooms and attendance upon city council.	

SECT. 4. Whenever the hall or any rooms connected with the city hall building are rented, and it is required that the settees be moved or the floors washed, or when the duties named in this chapter by him to be performed are such that he is unable personally to perform them all, he may, with the consent of the committee on city property, procure such assistance as may be necessary in addition to his own labor, and the bills therefor, when properly approved, shall be paid by the city treasurer.

Duties as to city hall when rented. May procure assistance in certain cases.

SECT. 5. He shall in no case receive any fee for his own services in or about the city hall building except for services at balls, fairs, or festivals after the hour of nine o'clock, P. M.

Shall receive no fees except, etc.

SECT. 6. It shall be his duty to keep the grounds around the city hall building in good order, and the walks and steps free from snow and ice. It shall also be his duty to take care of the city hall clock.

Duties as to grounds, etc., around city hall.

SECT. 7. He shall keep all the rooms in the city hall building properly warmed and lighted whenever used for city purposes, or by permission of the city authorities, both week days and Sundays, and shall see that at all times they are kept clean and in good order. He shall prepare the rooms selected for ward meetings, and have the same properly warmed and lighted, and put in good order when the meetings have adjourned.

Duties as to warming and lighting city hall building, and as to ward rooms.

CHAPTER 15.

ASSISTANT CITY CLERK.

	Section.	Section.
	1. Assistant city clerk, how and when appointed; term of office, and removal.	2. Duties; compensation.
Assistant city clerk, how and when appointed;	SECTION 1. There may be appointed from time to time as occasion may require, an assistant city clerk for the city of Springfield. Said assistant shall be nominated by the city clerk to the board of aldermen, confirmed by said board and sworn to the faithful discharge of his duties. He shall hold his office for such time as the occasion may require, to be determined by the city clerk, by whom he may be removed at any time, subject to the approval of the board of aldermen.	
term of office, and removal.	SECT. 2. It shall be the duty of said assistant city clerk to assist the city clerk in recording, indexing and certifying mortgages of personal property, assignments of wages and other documents required by law to be recorded, and also, if necessary, to attest documents as provided in section sixteen of chapter twenty-six of the Revised Laws, and perform all other duties pertaining to the office of city clerk when thereto requested by him, or when the office of city clerk shall be vacant from any cause; and said assistant city clerk's compensation for services shall be paid from such sum as the city council has allowed or may hereafter allow for clerical assistance in the city clerk's office.	
Duties;		
compensation.		

CHAPTER 16.

ENGINEERING DEPARTMENT.

Section.

1. Engineering department to be in charge of city engineer, how and when chosen; compensation, term of office.
2. City engineer to have charge of plans, etc., shall index them, may make rules to insure their safety.
3. All plans, etc., to be property of city.
4. Board of supervisors, powers of. City engineer, duties of, in general.
5. Employment and compensation of assistants; incurring expenses within appropriation, etc.
6. City engineer, duties as to public works, bridges, etc.; shall certify as to performance of city contracts.
7. Notice of encroachments on public streets.

Section.

8. City engineer to examine bridges and report, when.
9. City engineer shall assign a number to tenements and buildings. How numbers shall be assigned. Shall not renumber a street without order of mayor and aldermen.
10. Mayor and aldermen may order a street renumbered.
11. Owner or occupant of building or tenement shall place and maintain thereon numbers assigned by city engineer.
12. Penalty.
13. City engineer may place number on building or tenement.
14. Record of numbering.
15. City engineer to report annually.

SECTION 1. The engineering department shall be under the charge of the city engineer, who shall be a resident of Springfield and shall be chosen annually by concurrent vote of the city council. He shall be removable at the pleasure of the city council, and shall receive such compensation as the city council may determine. He shall hold his office until a successor is appointed, unless sooner removed.

Engineering department to be in charge of city engineer, how and when chosen;

SECT. 2. The city engineer, under the direction of the city council, shall have charge of all the plans, profiles, field notes, measurements and other data, of streets, sidewalks, drains, sewers, culverts, bridges, and structures of every kind, not specifically belonging to other departments, and shall keep the same properly classified and indexed, and he may make such rules and regulations, concerning the taking of plans from his office, as he may deem necessary to insure their safety.

compensation, term of office.

City engineer to have charge of plans, etc.;

shall index them; may make rules to insure their safety.

SECT. 3. All plans, delineations, estimates and reports together with all field books, notes and other

All plans, etc., to be property of city.

memoranda made by the city engineer or any of his assistants in connection with their official duties, shall be and remain the property of the city.

Board of super-
visors, powers of.

City engineer,
duties of, in
general.

SECT. 4. The board of supervisors of highways and bridges shall exercise a general supervision over all matters within said department. The city engineer shall, under the direction of said board of supervisors, make the surveys, measurements, levels, and estimates, and perform the other ordinary duties of a civil engineer, in the laying out, establishing and constructing of streets, sidewalks, drains, sewers, and the constructing of other public works delegated to or undertaken by his department, and shall, either by himself or his assistants, make such surveys, plans, profiles, estimates and descriptions as may be required of him by the mayor and aldermen, the city council or any committee thereof, and the city solicitor, and he shall perform all such other services for the city which properly come under the direction of a civil engineer, as may be required of him by the mayor, board of aldermen, city council, or any committee thereof, the city solicitor, or board of water commissioners.

Employment and
compensation of
assistants;

incurring ex-
penses within
appropriation, etc.

SECT. 5. He may, from time to time, employ such assistants as he shall require in the performance of his duties, and shall determine their compensation, in accordance, however, with the ordinances of the city, and within the appropriation for said department, and subject to the approval of the board of supervisors. He may expend such sums for materials or incidental expenses as may be necessary; *provided*, however, that all such expenditures for employment of assistants and for materials and other incidentals shall be limited to the amount actually appropriated by the city council for the engineering department, and shall be subject to the approval of said board of supervisors.

City engineer,
duties as to pub-
lic works, bridges,
etc.;

SECT. 6. Unless otherwise specially provided, he shall take charge of the construction of all public works of the city which properly come under the direction of a civil engineer; shall perform all engineering services and make all examinations and prepare all statements, plans, specifications and contracts which any department may need in the discharge of its duties; shall supervise all repairs on the bridges used as highways, which affect the safety of the structure, and when required by the mayor, or by any officer or board in charge of a department, shall measure the work

done by contract for the city, and certify to the results of such measurements, and perform such other services as may be required.

shall certify as to performance of city contracts.

SECT. 7. Whenever he shall ascertain that any building or structure has been placed within the lines of a public street, or so that it may cause injury thereto or inconvenience to travelers thereon, he shall immediately give notice thereof in writing to the mayor.

Notice of encroachments on public streets.

SECT. 8. He shall annually, or oftener if required by the board of supervisors, carefully examine all bridges within the city limits, and make such reports to said board respecting their condition as to safety, need of renewal or repairs, as the case may require.

City engineer to examine bridges and report, when.

SECT. 9. It shall be the duty of the city engineer to assign numbers to all tenements and buildings on streets in the city of Springfield, except the sparsely settled portions thereof. Said numbers shall each cover a frontage of twenty feet, more or less, at the discretion of the city engineer, and be measured continuously from end to end of the street, with the odd numbers on the southerly and easterly sides, and the even numbers on the northerly and westerly sides of all streets; so far as practicable. On any streets already wholly or partially numbered, said city engineer shall assign such numbers as he shall deem best to correspond with the majority of numbers already in use on said street; he shall also assign a new number wherever he finds that the number in use fails thus to correspond. but he shall not have authority to renumber a street unless such renumbering is ordered by the mayor and aldermen.

City engineer shall assign a number to tenements and buildings.

How numbers shall be assigned.

Shall not renumber a street without order of mayor and aldermen.

SECT. 10. The mayor and aldermen may order a street renumbered whenever they deem it necessary.

Mayor and aldermen may order a street renumbered.

SECT. 11. The owner and occupant of every tenement and building situated within the limits prescribed, shall cause to be placed and maintained on or over the outside doors fronting the street, or on front corners of every tenement or building having their entrances on the sides thereof, such number or numbers as may be assigned thereto by the city engineer, under any of the provisions of this chapter, said numbers or figures not to be less than three inches in height, and to be so placed as to be easily observed from the street in front of the premises.

Owner or occupant of building or tenement shall place and maintain thereon numbers assigned by city engineer.

SECT. 12. Whoever shall refuse or neglect to comply with the provisions of this chapter within thirty

Penalty.

days after a notice in writing delivered to the owner or occupant of such tenement or building of the number or numbers so assigned by the city engineer, shall, for each and every offense, forfeit and pay a penalty of not less than two nor more than twenty dollars.

City engineer may place number on building or tenement.

SECT. 13. If the owner or occupant of any tenement or building fails to number the same in accordance with the provisions of this chapter, it shall be the duty of the city engineer, or his authorized agent, to place the proper number or numbers thereon, and the cost thereof may be assessed by the mayor and aldermen upon said owner or occupant.

Record of numbering.

SECT. 14. The city engineer shall keep a suitable record in his office of all numbering.

City engineer to report annually.

SECT. 15. The city engineer shall annually, in the month of December, present to the city council, a report in relation to his department, showing the number of persons employed, the detailed expenses of the department, the general nature of the work, the property under his charge, the condition of all structures that come under his supervision that are in process of construction, or that have been completed during the previous year, and such other general information in relation to the same, as he may deem expedient, or as said board of supervisors may require.

CHAPTER 17.

CITY PHYSICIAN.

Section.

1. City physician, when and how appointed; tenure of office; vacancies, how filled; nominations in case of vacancies.

Section.

2. Shall be citizen and doctor of medicine and *ex officio* member of board of overseers of the poor. Duties.
3. Salary.

SECTION 1. The mayor, with the approval of the board of aldermen, shall, upon the expiration of the term of office of the present city physician, and every third year thereafter, on, or within sixty days after the first Monday of February, appoint some suitable person to be city physician for the term of three years from the first Monday of April then following; and the person so appointed shall hold office for the term aforesaid and until his successor is duly appointed in his stead; *provided*, however, that he may be at any time removed, for cause, by the mayor, with the approval of the board of aldermen; and in case of any vacancy arising from any cause in the office of city physician, a new appointment, in the manner of the original appointment, may be made to fill the same for the remainder of the unexpired term, and a nomination therefor shall be made by the mayor, within thirty days after the occurrence of such vacancy or the rejection of any previous nomination.

City physician, when and how appointed; tenure of office; vacancies, how filled; nominations in case of vacancies.

SECT. 2. The city physician shall be a citizen of Springfield and a doctor of medicine, and shall be *ex officio*, a member of the board of overseers of the poor. It shall be his duty, in addition to the duties which devolve upon him by statute and as a member of said board, to attend upon all patients and insane persons under the care of the overseers of the poor, at the almshouse or elsewhere; and to report annually, in the month of January, to the city council a list of the deaths of such patients occurring in the city during the preceding calendar year, stating the age, sex and cause of death of each person, as far as ascertainable, and also to render a report to the city council of the

Shall be citizen and doctor of medicine and *ex officio* member of board of overseers of the poor.
Duties;

annual report;

vaccination;	professional services performed by him during the year with such suggestions and recommendations as he may deem advisable. He shall vaccinate all such paupers as the overseers of the poor may require, and all pupils of the public schools who may be sent to him for that purpose by the order of the school committee, and shall give certificates to all such pupils as he shall have effectually vaccinated. He shall examine all
examination of candidates for police and fire departments;	candidates for appointment to the police force and the fire department; shall examine and report upon the condition of all members of the police force and the fire department and all employees of the city who
and of incapacitated employees of the city;	may claim to be incapacitated from the performance of their several duties, when requested; shall attend
treatment at police station;	and render all necessary medical and surgical treatment at the police station to police officers injured while on duty, and to prisoners and other persons temporarily in charge of the police upon the request of the officer in charge of the station; and, upon due application, shall execute the certificate of the cause of
certificates of death;	death to the best of his knowledge and belief, when no physician has been in attendance upon a person dying in the city. He shall, upon request of the mayor
to examine and report in certain cases of personal injury;	or city solicitor, examine and investigate the condition of all persons who may sustain injuries by reason of accidents whereby the city may become liable, and render a written report thereon; and shall, as witness or otherwise, render such professional aid in court or elsewhere as the city solicitor may request in all suits or matters wherein the city is interested. In case of
contagious diseases, etc.	the prevalence or impending of any infectious or contagious disease within the city, he shall give to the mayor and to either branch of the city council, and to the board of health, and its physician, all such professional advice and counsel as may be required by any of them. He shall also perform such other professional services for the city as may be required by the mayor, the city council, the board of overseers of the poor, the ordinances or by-laws.
Salary.	SECT. 3. The city physician shall receive such salary as the city council may from time to time by ordinance determine, which shall be in full for all services performed by him.

CHAPTER 18.

CITY FORESTER.

Section.

1. Appointment; duties, tenure of office.
2. To act under direction of supervisors of highways and bridges.

Section.

3. Wires, etc., not to be attached to trees without his consent. Wires now attached to trees may be removed.
4. Penalty.

SECTION 1. There shall annually, during the month of January, and whenever a vacancy may occur, be appointed by the mayor, with the approval of the board of aldermen, a city forester to have the care of the trees belonging to the city, and to act under the provisions of section ten of chapter fifty-one of the Revised Laws. He shall continue in office for one year and until his successor is appointed and qualified; *provided*, however, that the mayor may remove him at any time.

Appointment;

duties;

tenure of office.

SECT. 2. The city forester shall act under the direction of the supervisors of highways and bridges, and devote his entire time to the service of the city, and perform such other duties in addition to his services as city forester as the said supervisors may direct.

To act under direction of supervisors.

SECT. 3. No electric wires, cables, guys, poles, cross arms, brackets, insulators or other wires or fixtures shall be attached to or come in contact with any tree standing for use or ornament in any public street, lane, court, park, or other public place in the city, without the consent of the city forester.

Wires, etc., not to be attached to trees without his consent.

All wires, cables, guys, and wire fixtures now attached to or in contact with such trees shall be removed when so ordered by the city forester, and it shall be the duty of the supervisor of wires to remove such wires, cables, guys, and fixtures when requested so to do by the city forester; the cost of such removal to be charged to the company owning such wires, cables, or fixtures.

Wires now attached to trees may be removed.

SECT. 4. Whoever violates the provisions of the preceding section shall forfeit not less than five nor more than twenty dollars for each offense.

Penalty.

CHAPTER 19.

SUPERINTENDENT OF STREETS.

Section.		Section.
<p>To be chosen annually by city council.</p> <p>Tenure of office.</p> <p>How removed; vacancy, how filled.</p> <p>Assistants may be appointed;</p> <p>compensation.</p> <p>Duties of superintendent in general.</p> <p>To make contracts for labor, etc.</p> <p>Duties as to stables, horses, etc.;</p>	<p>1. To be chosen annually by city council; tenure of office How removed; vacancy, how filled.</p> <p>2. Assistants may be appointed. Compensation.</p> <p>3. Duties of superintendent in general; to make contracts for labor, etc.</p>	<p>4. Duties as to stables, horses, etc.; as to cleaning streets, etc.</p> <p>5. Duties as to accounts; to report annually as to expenses, work done, and property under his charge.</p>
	<p>SECTION 1. There shall be chosen annually on the first Monday of February or within sixty days thereafter, by concurrent vote of the two branches of the city council, a superintendent of streets, who shall, unless sooner removed, hold his office for one year from the first Monday of April in the year in which he shall be chosen, and until his successor is chosen and qualified. He shall be removable at the pleasure of the city council, and a vacancy may be filled at any time for the unexpired term; said superintendent shall receive such compensation for his services as the city council shall from time to time determine.</p> <p>SECT. 2. The said superintendent is authorized to appoint, subject to the approval of the board of aldermen, two assistants to act under his control and direction, who shall receive such compensation as the city council may from time to time determine. The said assistants may be removed at any time by the said superintendent, or the board of aldermen.</p> <p>SECT. 3. It shall be the duty of the superintendent of streets, under the general care and direction of the supervisors of highways and bridges, to superintend the general state of the streets, roads, sidewalks, lanes, bridges, public places, and squares of the city; to attend to the making, widening, or alteration of the same; to cause the same to be kept in good, sufficient, and suitable repair; and when so ordered, to make all contracts for the supply of labor and materials therefor.</p> <p>SECT. 4. The said superintendent, under the control and direction of the said board of supervisors, shall have the care and superintendence of the city stables,</p>	

horses, carts, vehicles, tools, implements, and other property of the city, belonging to or attached to this department, and shall see that the same are kept in good order and condition, and shall make all necessary arrangements for cleaning the streets, and disposing of manure, refuse and street dirt.

as to cleaning streets, etc.

SECT. 5. The said superintendent shall keep an exact account of the expenditures in this department, with the names of all persons who have furnished materials, and of all workmen, and the amount due to each individual, and shall lay the same before the said board of supervisors, for their examination and allowance, at such times as the said board may direct; and he shall, annually on or before the last Monday in December, make and render to the city council a report containing a general statement of the expenses of this department during the preceding fiscal year, and specifying, as near as may be, the amounts expended upon different streets for sidewalks, number of feet of curbstones laid, number of yards of paving and cost of same, and such other information as he may consider desirable, together with a schedule, in detail, of the property under his charge belonging to the city.

Duties as to accounts.

To report annually as to expenses, work done, and as to property under his charge.

CHAPTER 20.

SCHOOLS.

Section.

1. School committee, of whom to consist.
2. How and when to be elected. How divided among wards.
3. "At large" and "ward" committee, how designated on ballots.
4. Committee to present annually estimates of expenses for schools, etc., to finance committee.
5. Not to fix salaries of teachers to exceed appropriations.
6. Superintendent of schools, how appointed; powers; to have money for expenses in case of emergency; bills to be approved in usual manner; money advanced to be returned.
7. Schoolhouse agent, how and when to be elected; to have charge of schoolhouses, etc., subject to committee.

Section.

8. Schoolhouse agent, duties of.
9. Restriction upon agent as to expenditures upon schoolhouses, etc.
10. Restriction upon agent as to expenditures for articles for use of schools.
11. Restrictions as to expenditures by committee on city property; what bills may be contracted and approved by committee on city property; what by school committee.
12. Agent to keep accounts, open to inspection.
13. To report annually to city council.
14. Accounts and books of agents, by whom to be examined.
15. Terms on which children residing on United States grounds may be sent to public schools.

School committee,
of whom to con-
sist.

SECTION 1. The school committee of the city shall consist of nine persons, one of whom shall be chosen from the city at large, and one from each of the several wards.

How and when to
be elected.

SECT. 2. The school committee shall be elected at large, by the qualified voters of the city. At the annual election on the Tuesday after the first Monday of December in the year one thousand nine hundred and six, there shall be chosen members of the committee from Wards One and Two, and the member from the city at large. At the annual election in the year one thousand nine hundred and four, there shall be chosen members of the committee from Wards Three, Four, and Five; at the annual election in the year one thousand nine hundred and five, there shall be chosen members of the committee from Wards Six, Seven, and Eight, each of whom shall hold his office for three years from the first Monday of January succeeding his election; and at each subsequent election there shall

How divided
among wards.

Tenure of office.

be elected three members of the school committee to hold their office for the term of three years, as successors to those whose term of office expires with the then current municipal year.

SECT. 3. In voting for the school committee at the annual city election, the name of the candidate for member of the committee from the city at large shall be indicated on the ballot by the words "at large" and the names of those who are candidates for members of the committee from the several wards respectively shall be indicated by the numbers of the wards from which they are respectively to be chosen.

"At large" and "ward" committee, how designated on ballots.

SECT. 4. Said committee shall annually in the month of February present to the committee on finance an estimate in writing of the expenses of the public schools for the then current fiscal year, stating the amount required for salaries for the teachers, for incidental expenses, and for the alteration and repair of schoolhouses.

Committee to present annually estimates of expenses for schools, etc., to finance committee.

SECT. 5. Said committee shall not fix the salaries of the teachers in the public schools at such rates that the aggregate amount of all said salaries shall in any fiscal year exceed the sum named for that purpose in the annual appropriation.

Not to fix salaries of teachers to exceed appropriations.

SECT. 6. Said committee shall, annually in the month of January, appoint a superintendent of public schools who, under the direction and control of said committee, shall have the care and supervision of the schools.

Superintendent of schools, how appointed.
Powers.

The city treasurer shall pay over to said superintendent, as soon after the tenth day of December in each year as said superintendent may desire, the sum of one hundred dollars; the same to be paid on the written request of the school committee, approved by the mayor, and to be charged to the appropriation for schools for the then current fiscal year. Said money shall be kept by said superintendent apart from any money of his own and as the money of the city, and shall be used only for such necessary expenses as may be called for by any emergency which must be met at once without the delay incidental to the approval and payment of bills as provided by ordinance.

To have money for expenses in case of emergency.

Whenever any expense shall have been paid out of said fund, the bill therefor shall be approved, and paid by the treasurer, as provided by ordinance, the same as if it had not been paid out of said funds; and the

All bills to be approved in usual manner.

amount thereof shall be paid to said superintendent to be placed at the credit of said fund and to become a part thereof to make good the amount used by him.

Money advanced to be returned.

Said superintendent shall, annually, prior to the tenth day of December, pay over to said treasurer said sum of one hundred dollars, and the same shall be placed to the credit of said school department.

Schoolhouse agent, how and when to be elected; to have charge of schoolhouses, etc.

SECT. 7. A schoolhouse agent shall be elected by the city council, by joint ballot in convention, annually on the first Monday in February or within sixty days thereafter, who shall on behalf of the city have charge and control of the schoolhouses in the city, and of the property contained in and connected with the same, subject however to the direction of the school committee in respect to their use and occupation.

Schoolhouse agent, duties of.

SECT. 8. It shall be the duty of the schoolhouse agent to keep the schoolhouses of the city and the grounds about the same, and the fences and out-buildings on said grounds, in good order and repair; and, when it cannot otherwise be done, to employ additional necessary mechanical labor and assistance therefor; to distribute fuel and to provide and distribute, under the direction of the superintendent of schools, all things necessary and proper for use in said schools, subject, however, to the provisions hereinafter contained.

Restriction upon agent as to expenditures upon schoolhouses, etc.

SECT. 9. Said agent shall not make, cause to be made, or contract for any alterations or repairs, nor incur any expense in, upon, or for the furnishing or embellishing of said houses, or upon said grounds, fences, or out-buildings that shall involve an outlay of more than twenty-five dollars at any one time or for any one object, without first obtaining the written assent thereto of the committee on city property or a majority of said committee.

Restriction upon agent as to expenditures for articles for use of schools.

SECT. 10. Said agent shall not purchase or contract for any article or thing for use in said schools except such as are necessary for the purposes of the daily exercises therein, and the payment for which shall not involve an outlay of more than five dollars at any one time, without first obtaining the written assent thereto of the superintendent of schools.

Restrictions as to expenditures by committee on city property.

SECT. 11. The committee on city property shall not authorize, direct, or make any expenditure, or contract for work or labor, or the furnishing of anything, for, in, upon, or about said schools, or houses, or grounds,

or fences, or out-buildings, to an amount exceeding five hundred dollars, without an order first had from the city council therefor; *provided*, however, that said committee may and shall contract with and employ such janitors for the said schoolhouses as the said committee shall by vote decide to be necessary and shall have approved, and at such compensation as said committee may from time to time by vote direct. Said committee on city property shall contract for and approve all bills for janitors' salaries, all bills for fuel, all bills for light, all bills for repairs of buildings, fixtures, and fences,—and only such bills. The school committee shall contract for and approve all other bills for the schools and their maintenance and the occupation and use of the school buildings and grounds.

Proviso, as to janitors.

What bills may be contracted and approved by committee on city property;

what by school committee.

SECT. 12. Said schoolhouse agent shall keep an accurate and systematic account of all work done in, upon, and about said schoolhouses, grounds, fences, and out-buildings, and of all expenditures made, authorized, or contracted for, by or through him, under the provisions of this chapter, which said account and books shall be at all times open to the inspection of the mayor, the committee on city property, the superintendent of schools, and the auditor of accounts, and shall, at the expiration of the municipal year, be delivered to, and shall thereafter be kept in the office of the city treasurer.

Agent to keep accounts open to inspection, etc.

SECT. 13. Said agent shall, on the second Monday of December in each year, submit to the city council a report of his doings and of all expenditures made by or through him as such agent, during such year, which report shall state, in detail, the amounts which have been expended upon or for each school, schoolhouse grounds, fences and out-buildings under his charge.

To report annually to city council.

SECT. 14. It shall be the duty of the chairman of the committee on city property and the superintendent of schools, either separately or together as may be convenient, as often as once in each month, to examine and inspect the accounts and books of said agent and, at their discretion, to report thereupon to the city council.

Accounts and books of agent, by whom to be examined.

SECT. 15. Citizens residing on United States grounds within the limits of the city, may send their children to the public schools, on payment annually to the city collector for each child so sent, of a sum equal to the actual cost incurred by the city for each scholar the

Terms on which children residing on United States grounds may be sent to public schools.

previous year; and this sum shall be determined by dividing the amount of the appropriation for schools, together with interest on the valuation of school property, by the whole number of pupils attending the schools. Pupils from the United States grounds shall enjoy the same privileges and be subject to the same restrictions as other pupils.

CHAPTER 21.

TRUANT CHILDREN AND ABSENTEES FROM SCHOOL.

Section.

1. Truant children and absentees, how punished.

Section.

2. Truant school assigned as place for instruction, etc.

SECTION 1. Any minor child residing in the city of Springfield, between the ages of seven and sixteen years, who shall be guilty of being an habitual truant, or of wandering about in the streets or public places of the city, having no lawful occupation or business, not attending school, and growing up in ignorance, shall, upon conviction thereof, be punished by a fine not exceeding twenty dollars, or, instead thereof, may be committed to the county truant school for such time, not exceeding two years, as the justice or court having jurisdiction thereof may determine.

Truant children and absentees from school, how punished.

SECT. 2. The county truant school on Armory street in said city is hereby assigned as an institution for instruction, house of reformation, and suitable place for the confinement, discipline, and instruction of such children.

Truant school assigned as place for instruction, etc.

CHAPTER 22.

BOARD ON CLAIMS.

Section.

1. Of whom to consist; vacancies, how filled.
2. To investigate claims for damages; may settle claims not exceeding \$500 in amount.

Section.

May agree for settlement of claims in excess of \$500, subject to ratification by city council.

Of whom to consist; vacancies, how filled.

SECTION 1. A board on claims is hereby established which shall consist of the mayor, the president of the common council, and one member of the board of aldermen. The latter shall be elected by *viva voce* vote by the board of aldermen annually in the month of January, to serve during the municipal year, and if he shall resign, or become disqualified, the vacancy shall be filled by election by the board of aldermen.

To investigate claims for damages; may settle claims not exceeding \$500 in amount.

SECT. 2. It shall be the duty of said board to investigate forthwith all claims for damages either to persons or property that shall be made against the city, and all facts relating thereto; said board shall be authorized to settle all such claims where the sum paid shall not exceed five hundred dollars; and their order upon the city treasurer for the amount agreed upon in such settlement shall be sufficient authority for him to pay to the claimant the same from any city funds in his hands, and the amount so paid shall be charged to the contingent fund. Whenever said board shall deem it for the best interest of the city to settle any such claim by the payment of a sum exceeding five hundred dollars, they may make an agreement with the claimant for the payment of the sum agreed upon, but subject to ratification by the city council. Upon such ratification, but not before, the treasurer shall pay the amount so agreed upon, as hereinbefore provided for the payment of claims not exceeding five hundred dollars.

May agree for settlement of claims in excess of \$500 subject to ratification by city council.

CHAPTER 23.

BOARD OF PUBLIC WORKS.

Section.

1. Chapter 334, Acts of 1872, "To establish a board of public works in the city of Springfield" accepted and adopted.

Act § 1. Board of public works established; members of, how elected; tenure of office.

Act § 2. Members to be sworn.

Act § 3. Vacancies, how filled.

Act § 4. Duties of the board.

Section.

Act § 5. City engineer to be clerk of the board. His duties as such.

Act § 6. City council may take or purchase land, for laying and maintaining sewers and drains.

Act § 7. The word "street" to include highways, etc.

Act § 8. Compensation.

Act § 9. Act to take effect, when.

SECTION 1. The act of the General Court of this Commonwealth entitled, "An act to establish a board of public works in the city of Springfield," approved May four, eighteen hundred and seventy-two, is hereby accepted and adopted as follows:—

"Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:—

"SECTION 1. The city council of the city of Springfield may within one month after the passage of this act, elect on joint ballot, in convention, three able and discreet men, being inhabitants of said city, and legal voters, who shall constitute the board of public works of said city; one of whom shall be chosen to hold office until the first Monday in April, in the year eighteen hundred and seventy-three, one to the first Monday in April, eighteen hundred and seventy-four, and one to the first Monday in April, in the year eighteen hundred and seventy-five, and until others are chosen and qualified in their stead; and during the month of March, in the year eighteen hundred and seventy-three, and annually in the month of March thereafter, the city council shall on joint ballot, in convention, elect one man, qualified as aforesaid, to be a member of said board to serve for the term of three years from the first Monday of April thereafter, and until another is chosen and qualified in his stead.

Chapter 334, Acts of 1872, "to establish a board of public works in the city of Springfield," accepted and adopted.

Board of public works established; members of, how elected; tenure of office.

Members to be sworn.

"SECT. 2. Before entering upon the discharge of their duties, the members of said board, elected under the provisions of this act, shall be sworn to the faithful discharge thereof.

Vacancies, how filled.

"SECT. 3. Should a vacancy occur on said board, it may be filled for the remainder of the term in which such vacancy occurs by election of the city council by joint ballot in convention.

Duties of the board.

"SECT. 4. It shall be the duty of said board to hold hearings, investigate and report on all matters referred to them by the city council or mayor and aldermen, relating to the laying out, altering, widening, discontinuing, change of grade, or repairing of the streets of the city ; also on all matters so referred to them relating to the laying out, establishing, change of grade, constructing, paving, altering, repairing or repaving sidewalks therein ; and also on all matters so referred to them relating to the laying out, maintenance, constructing, altering or repairing sewers and drains therein. Said board shall also perform such further duties relating to streets, bridges, sidewalks, sewers, drains or other public works, parks, squares and public places, including the estimation of damages and betterments, as the city council shall, by city ordinance, or order, not repugnant to law, from time to time prescribe or direct.

City engineer to be clerk of the board. His duties as such.

"SECT. 5. The city engineer shall be the clerk of said board. He shall make and keep a record of the doings of said board and certify the same when there is occasion therefor. He shall also make all plans and surveys required for the use of said board. In case of the absence or inability of said clerk to act, said board may appoint a temporary clerk to act in his place, who shall receive for his services such compensation as said board shall determine.

City council may take land, etc., for laying and maintaining sewers and drains.

"SECT. 6. Said city council may take and hold, by purchase or otherwise, such land and water courses as they may deem necessary for the purpose of laying and maintaining sewers and drains ; *provided*, that if any person shall sustain damages to his property by reason thereof, and shall fail to agree upon a settlement of the same with said city council, the same shall be assessed in the same manner as damages are assessed in the laying out of highways.

The word "street" to include highways, etc.

"SECT. 7. The word street in this act shall include highways, town ways, lanes and alleys.

“SECT. 8. The members of said board of public works shall receive such compensation for their services as the city council may by ordinance establish. Compensation.

“SECT. 9. This act shall take effect upon its acceptance by the city council.” When to take effect.

CHAPTER 24.

BOARD OF SUPERVISORS OF HIGHWAYS AND BRIDGES.

Section.

1. Who shall constitute the board ; powers and duties.

Who shall constitute the board.

Powers and duties.

SECTION 1. The mayor, with one member of the joint standing committee on streets and sidewalks in the board of aldermen, and one member of the same committee of the common council, each to be chosen by their respective boards, by *viva voce* vote, shall constitute a board of supervisors of highways and bridges, who shall have the general supervision of all the public highways, streets, avenues, and bridges of the city, and, when duly authorized by the city council, and not otherwise, may, at their discretion, contract for quarrying and crushing trap rock, and for paving, macadamizing or otherwise improving the streets of the city.

CHAPTER 25

BOARD OF HEALTH.

Section.

1. Of whom to consist; powers and duties.
2. Election; qualifications; tenure of office; vacancies, etc.
3. Chairman; health physician to be clerk; his duties.
4. Rules. Agent and inspectors.

Section.

- Emergencies. Inspector of meats and provisions.
5. Annual report.
6. Compensation of health physician.
7. Compensation and duties of inspectors.

SECTION 1. The board of health of the city of Springfield shall consist of three suitable citizens, one of whom shall be a doctor of medicine. They shall possess and exercise all the powers vested in, and perform all the duties prescribed to, boards of health of cities and towns, or to city councils, or mayors and aldermen of cities as boards of health, or in relation to matters concerning or affecting the public health, in accordance with the charter and ordinances of the city and the statutes of the Commonwealth.

Of whom to consist;
powers and duties.

SECT. 2. The present members of the board of health shall hold their offices during the term for which they severally were appointed. Annually, hereafter in the month of January, the city council shall elect by *viva voce* vote one member of said board for the term of three years from the first Monday in February in the year of such election. The members so elected shall not be members of the city council, and not more than two members of said board shall be chosen from any one political party. Each election shall be made subject to the foregoing provisions respecting a doctor of medicine, and each member chosen shall hold office during his term, unless sooner removed, and until his successor is elected and qualified. Any vacancy shall be filled for the unexpired term in the same manner as herein provided for original selection. Each member of the board shall be subject to removal by the mayor for cause, with the approval of the board of aldermen.

Election;

qualifications;

tenure of office;

vacancies, etc.

SECT. 3. The board of health shall organize on the first Monday of February in each year, and shall

Chairman;

health physician to be clerk;	choose one of its members as chairman. That member of the board, who is a doctor of medicine, shall serve as clerk of the board. He shall be known as the health physician, and shall perform all such medical and sanitary duties as may be required by the board of health and the mayor and the city council. He shall attend the meetings of the board; shall make all necessary bacteriological examinations; shall keep a true and complete record of all the acts and proceedings of the board; and shall perform such other duties as may be prescribed by ordinance. In case of the prevalence or impending of any infectious or contagious disease within the city, he shall give to the mayor or either board of the city council such professional advice and assistance as may be required by any of them.
his duties.	
Rules.	SECT. 4. The board of health may make such rules and regulations in regard to plumbing and house drainage, for the protection and preservation of the health and sanitation of the city, for the removal and abatement of filth, garbage, rubbish, ashes, nuisances, and the causes of disease, and for the government of the board and of its subordinate officers and employees, as may be considered necessary and may not be inconsistent with the statutes of the Commonwealth and the charter and ordinances of the city. It may appoint an agent and employ such inspectors or other assistants as may be authorized by the city council, all of whom shall be subject to the removal or discharge by the board whenever it deems advisable; <i>provided</i> , however, that in cases of emergency demanding the immediate action of the board it may employ such temporary assistants as may be necessary.
Agent and inspectors.	
Emergencies.	It shall designate as inspector of meats and provisions the inspector of animals appointed by the mayor and aldermen.
Inspector of meats and provisions.	
Annual report.	SECT. 5. The board of health shall make a full report of its doings to the city council annually in the month of January, together with list of the deaths of all persons occurring in the city during the preceding calendar year, stating the age, sex, and cause of death of each person, as far as ascertainable, together with such suggestions and recommendations as may be deemed advisable.
Compensation of health physician.	SECT. 6. The health physician and the agent of the board of health shall receive such compensation as

salary as the city council may from time to time by ordinance determine, which shall be in full for all services performed.

SECT. 7. The compensation of the inspector of milk and vinegar, and of the inspector of meats, provisions and animals, shall be taken from the appropriation for the board of health, and said inspectors shall respectively perform their duties so far as is permissible by existing laws, subject to the direction and approval of said board.

Compensation and
duties of in-
spectors.

CHAPTER 26.

RELATING TO THE REMOVAL OF NIGHT SOIL, THE CONTENTS OF PRIVY VAULTS AND CESSPOOLS, HOUSE OFFAL, ASHES, REFUSE SUBSTANCES AND DEAD ANIMALS.

Section.

1. Licenses to remove night soil, contents of privy vaults and cesspools, and dead animals, how granted.
2. Licensees may collect compensation for services, as fixed by board of health.
3. Licenses to remove house offal, ashes, and refuse, how granted.
4. Licenses to job wagons, etc., to

Licenses to remove night soil, contents of privy vaults and cesspools, and dead animals, how granted.

Licensees may collect compensation for services, as fixed by board of health.

Licenses to remove house offal, ashes, and refuse, how granted.

Licenses to job wagons, etc., to cover removal of ashes.

Section.

- cover removal of ashes. Licenses to state under which section issued, etc., under section three to be numbered. To be recorded. Applications for services of licensees to be entered with board of health.
5. Only licensees to remove substances named in sections one and three, except, etc.
6. Penalty.

SECTION 1. The mayor and aldermen shall, from time to time, license some person, or persons, to remove night soil, the contents of privy vaults and cesspools, and to remove dead animals, subject to the provisions of the city ordinances, and all the rules of the board of health relating thereto.

SECT. 2. Every person licensed under the provisions of the preceding section shall be entitled to collect from the owner, occupant, or person having charge of the premises from which he has removed any of the substances mentioned in said section, such compensation as shall be fixed by the rules of the board of health, whether such removal is made upon the application of such owner, occupant or agent, or by order of the board of health.

SECT. 3. The mayor and aldermen shall, from time to time, license persons to remove house offal, ashes, and all refuse substances, subject to the provisions of the city ordinances, and all the rules of the board of health relating thereto.

SECT. 4. All licenses granted for trucks, job wagons, express wagons, carts, or other vehicles, for the conveyance of wood, coal, lumber, stone, dirt, rubbish, goods, furniture, etc., as provided by the rules and orders of the mayor and aldermen, shall include permission to remove ashes, subject to the provisions of

the rules and regulations of the board of health, as provided by section three. All licenses issued under the provisions of this chapter shall state whether they are issued under section one or section three; and, if under section three, they shall be numbered. All licenses shall state that they are issued subject to the provisions of the city ordinances and all rules of the board of health now existing, or which shall hereafter be made, and subject to forfeiture for any violation thereof. All such licenses shall be recorded by the board of health in a book to be kept for the purpose. A book shall also be kept in the office of said board, wherein applications for the services of the parties licensed herein shall be entered, and such applications shall receive attention in the order in which they are made.

Licenses to state under which section issued, etc., under section three to be numbered.

To be recorded.

Applications for services of licensees to be entered with board of health.

SECT. 5. No person, not licensed as herein provided, shall remove or transport through any street, or passageway in the city, within the district in which swine are not allowed to be kept, any of the substances specified in sections one and three of this chapter, except that any person may use upon his own premises all substances specified in section three, created or accumulating thereon, provided he shall not create a nuisance thereby; and if he transports such substances through the city streets, he shall transport them in such manner, at such times, and in such vessels or vehicles as the board of health may prescribe.

Only licensees to remove substances named in sections one and three, except, etc.

SECT. 6. Any person violating any of the provisions of this chapter shall be punished by a fine of not less than two nor more than twenty dollars, and by a forfeiture of his license if the party so violating be licensed under the provisions hereof.

Penalty.

CHAPTER 27.

THE KEEPING OF SWINE.

Section.

1. Board of health to prescribe limits within which swine shall not be kept without license.

Section.

2. Penalty.

Board of health to prescribe limits within which swine shall not be kept without license.

SECTION 1. No swine shall be kept or maintained in the city of Springfield within the limits prescribed by the board of health, unless said board shall have granted a license therefor, prescribing the manner in which the animals may be kept.

Penalty.

SECT. 2. Any person offending against the provisions of this chapter shall forfeit and pay an amount not less than five nor more than twenty dollars for each offense.

CHAPTER 28.

PLUMBING.

Section.

1. Sewage pipes to be installed only on permit authorized by board of health. Application blanks. Permits.
2. Notice of alterations to be filed, and approved.

Section.

3. Inspector to be notified when work is ready for examination.
4. Penalty.
5. R. L., ch. 103, accepted.

SECTION 1. No pipes, tanks, faucets, valves, or fixtures by and through which waste water or sewage is used or carried, shall be placed in any building except upon such terms and conditions as the board of health may prescribe, and upon a permit being first issued therefor by said board of health, or such person or persons as the board may designate. Applications for such permits shall be made to the board of health upon blanks provided for the purpose by said board, which shall contain a statement of the work to be performed, location of building, and names of the persons for and by whom the work is to be done. Each permit issued by the board of health shall be subject to the express conditions to be set forth in such permit, that all work done under it shall be done in a thorough and workmanlike manner, and that all directions of the board of health relating to such work and all provisions of statute or ordinance relating to plumbing shall be complied with.

Sewage pipes to be installed only on permit authorized by board of health.

Application blanks.

Permits.

SECT. 2. In all cases where the drainage system of any building is required to be or has been constructed under a permit issued by the board of health, no person shall proceed to construct, add to, or alter any portion of the drainage system of such building (except solely by way of repairs) until there be filed in the office of the board of health a notice or written description of the work to be performed. No person shall commence work upon such drainage or plumbing until the plans are approved by said board.

Notice of alterations to be filed,

and approved.

After a plan has been approved under the provisions of this ordinance, no alteration of the same shall be made without permission in writing from the board of health.

Inspector to be notified when work is ready for examination.

SECT. 3. An inspector of plumbing who shall be called upon to examine any work under the statutes or ordinances relating to plumbing, shall be notified when such work is ready for inspection, and all work must be left uncovered and convenient for examination until examined and approved.

Penalty.

SECT. 4. Whoever violates any provision of this ordinance shall be liable to a penalty not exceeding fifty dollars for each and every violation thereof, and whoever being a licensee for plumbing violates any statute, ordinance, or regulation of the board of health relating to plumbing shall be subject to have his license revoked by the board of health as said board may determine.

R. L., ch. 103, accepted.

SECT. 5. The provisions of chapter one hundred and three of the Revised Laws are hereby accepted and adopted.

CHAPTER 29.

FIRE DEPARTMENT.

Section.

1. Board of fire commissioners, of whom to consist, appointments, qualifications, removal from city vacates office.
2. Vacancies in board, how filled.
3. Chairman to be chosen, tenure of office. Secretary to be chosen, duties, etc.
4. Board to have management of fire department and fire alarm telegraph, to be responsible for property of departments, may sell or purchase property worth less than \$1,000. Evasions forbidden, proceeds of sale of property to be paid to city treasurer.
5. Annual estimates. Accounts. Credit of department not to be exceeded.
6. Approval of bills and pay rolls.
7. Treasurer to advance money for contingencies. Emergency bills to be approved, money to be returned to treasury.
8. Fire department, of whom to consist. Nominations and appointments.
9. Board to prescribe compensation of companies and duties of members.
10. Chief, deputy chief, and assistant engineers, and superintendent of fire alarm to be chosen annually by board of commissioners, tenure of office, vacancies. Rank of assistants.
11. Board of engineers; meetings; quorum; regulations.
12. Board of engineers may make certain rules.
13. Chief engineer to report violations of building ordinances. Other duties; in case of absence, powers devolve on deputy chief, etc.
14. Chief, etc., to detect and remove combustible materials. Penalty.
15. Chief, etc., to examine buildings upon request, and may require alterations. Penalty.

Section.

16. Each company to have captain, lieutenant, and clerk, how chosen, clerk's duties and tenure of office.
17. Commissioners may suspend, remove, or discharge.
18. Chief, etc., to have power to suspend in certain cases. Appeal.
19. Members of department must be citizens, and not employed otherwise by state or city.
20. Running members to observe same rules, etc., as call members.
21. Clerks of companies, duties of, as to rolls. Rolls to be signed by captain and clerk, approved by chief, and transmitted to commissioners. Penalty for falsifying rolls.
22. Amounts due companies, how paid. Receipts to be obtained by captains and filed with city treasurer.
23. Apparatus not to be taken from city, *except*.
24. No person not a member of department, shall interfere at a fire. Names of persons offending to be reported.
25. No persons except policemen and firemen to enter streets, etc., barricaded by fire department.
26. Pay of members fixed by city council.
27. Superintendent of fire alarm designated as supervisor of wires.
28. Board of commissioners may grant pensions in cases of disability, and after 20 years' service, in certain cases.
29. Pensions to be payable monthly, and may be changed by commissioners.
30. City physician to examine petitioners, and to examine pensioners annually, and report.
31. Cause of disability to be stated in writing by chief, when.
32. Commissioners to examine cases and decide upon pensions by majority vote.

Section.	Section.
33. Limitations upon pensions of chief or deputy chief engineer.	36. Pensions to be paid out of appropriation for department.
34. Pensions for disability not to exceed \$40.00 per month.	37. No person shall, without authority, interfere with fire alarm telegraph.
35. Pensions for 20 years' service, etc., not to exceed \$25.00 per month.	38. No person shall injure apparatus of fire alarm telegraph.
	39. Penalty for violations of Sects. 24, 25, 37, and 38.
Board of fire commissioners, of whom to consist, appointments, qualifications, removal from city vacates office. Vacancies in board, how filled.	SECTION 1. The present members of the board of fire commissioners shall hold their offices during the terms for which they severally are appointed. Such appointees, together with the chairman of the committee on the fire department, who shall be <i>ex officio</i> a member of the board, shall constitute the board of commissioners of the fire department, and annually, hereafter, in the month of April, the mayor shall appoint, subject to confirmation by the city council by concurrent vote, a citizen and resident of the city, to be a member of said board for the term of four years from the succeeding first Monday of May. In all appointments of members of said board the political affiliation of the appointee shall be considered with a view to so constituting the board as that no more than two of its members so appointed shall be of the same political party; and no person shall be appointed, or, excepting said chairman of said committee, be a member of the board, who is a member of the city council, or holds any municipal office for which he receives compensation; and any member removing from the city shall thereby vacate his office.
Chairman to be chosen, tenure of office.	SECT. 2. In case any person so appointed shall die, resign, or become disqualified during his term of office, the remaining members of said board, or a majority thereof, shall forthwith notify the mayor in writing of the vacancy existing, who shall, as soon as may be, appoint, subject to confirmation as aforesaid, a member of said board to fill such vacancy for the residue of the term. SECT. 3. Said board shall choose by <i>viva voce</i> vote one of its members to be chairman of the board, who shall hold such position for such a term as the rules of said board may prescribe, or if such rules do not prescribe such term of service, he shall hold the position of chairman during the official term for which he is appointed. Said board shall in the same manner

choose one of its members to be secretary of the board and may prescribe his duties and term of service.

Secretary to be chosen, duties, etc.

SECT. 4. Said board shall, subject to the provisions hereof, have the appointment, management and control of all officers and members of the fire department and power to make such lawful rules and regulations for their government and discipline, and for the regulation and care of the fire alarm telegraph, and the direction and control of the parties having the charge and care thereof as they may deem proper ; they shall be responsible for, and have the charge and care of, all property belonging to said departments, and shall see that the same is maintained in an efficient condition by a wise expenditure of so much of the annual appropriation made therefor as may be necessary. When in their opinion it is desirable that any part of such property be sold, or otherwise disposed of, or that additional property be obtained, they may sell, dispose of, or obtain such property, provided the aggregate value of the property so obtained or disposed of at any one time, or for any one purpose, shall not exceed one thousand dollars ; otherwise authority therefor must first be obtained from the city council. Said board shall not, for the purpose of evading the provisions of this section, divide the property so proposed to be obtained or disposed of, into items and sell, dispose of, or purchase such items separately at the same or different times. All money derived from the sale of such property shall be forthwith paid to the city treasurer and credited by him to said department.

Board to have management of fire department,

and fire alarm telegraph,

to be responsible for property of departments,

may sell or purchase property worth less than \$1000.

Evasions forbidden.

Proceeds of sale of property to be paid to city treasurer.

Annual estimates.

SECT. 5. Said commissioners shall annually in the month of January communicate to the committee on finance an estimate of the amount of money necessary to be raised for the then current financial year for the use of the fire department, stating the amounts severally required for salaries for the members of the department, for regular and incidental expenses, and for the alteration and repair of the property under their control. They shall keep an accurate and detailed account of all expenditures of money, and annually, in the month of December in each year, render to the city council an itemized and exact report of all such expenditures, together with such information as has been included in the annual report of the chief engineer. They shall not expend any money, nor incur any liabilities or obligations that shall in the

Accounts.

Credit of department not to be exceeded.

aggregate exceed the amount standing to the credit of the department; and any obligation contracted shall be met out of said amount.

Approval of bills
and pay rolls.

SECT. 6. No bill contracted under the authority hereof shall be paid by the city treasurer, unless the items thereof shall be approved by the written signatures of a majority of said commissioners, and also audited and approved as otherwise required by ordinance. The quarterly pay rolls of the department shall be approved in like manner before payment.

Treasurer to advance money for contingencies.

SECT. 7. The city treasurer shall pay over to the commissioners of the fire department, as soon after the tenth day of December of each year as said commissioners may desire, the sum of two hundred dollars; the same to be paid on the written request of said commissioners and the written order of the mayor; and to be charged to the appropriation for the fire department for the then current fiscal year. Said money shall be kept by said commissioners apart from any money of their own, and as the money of the city, and shall be used only for such necessary expenses as may be called for by any emergency which must be met at once and without the delay incidental to the approval and payment of bills as now provided by ordinance. Whenever any expenses shall have been

Emergency bills to be approved.

paid out of said fund, the bill therefor shall be approved and paid by the treasurer in conformity with existing ordinances, the same as if it had not been paid out of said funds; and the amount thereof shall be paid to said commissioners to be placed to the credit of said fund, and to become a part thereof, to make good the amount used by them. Said commissioners shall annually, prior to the tenth day of December, pay over to said treasurer said sum of two hundred dollars, and the same shall be placed to the credit of said fire department.

Money to be returned to treasury.

Fire department, of whom to consist.

SECT. 8. The fire department for the city of Springfield shall consist of one chief engineer, one deputy chief engineer, one superintendent of the fire alarm telegraph who shall perform the duties of an assistant engineer, not to exceed two call assistant engineers, seventy members permanently employed, seventy-eight call members, and twenty-five running members, all of whom shall be appointed by the board of commissioners of the fire department; six steam fire engine companies, six hose companies, one chemical

engine company and four hook and ladder companies, and as many more such engine, hose and hook and ladder companies and members as the fire apparatus belonging to the city, from time to time shall require, in the opinion of the city council.

All appointments under this section, except the chief engineer, deputy chief, and assistant engineers, shall be made from nominations presented to said commissioners by the engineers of the fire department. If such nominations are rejected by the commissioners, new nominations shall be made by said engineers. If at the expiration of ten days after nominations have been called for, the engineers fail to make such nominations, the commissioners may appoint without such nominations being made.

Nominations and appointments.

SECT. 9. The composition of the various companies of the fire department and the duties of all the members of said fire department shall be such as the board of commissioners of the fire department may from time to time determine and establish.

Board to prescribe composition of companies and duties of members.

SECT. 10. The chief engineer, deputy chief engineer, superintendent of the fire alarm telegraph, and assistant engineers of the fire department shall be chosen by *viva voce* vote annually on the first Monday of January, or within thirty days thereafter by the commissioners of the fire department and shall hold their offices for one year from the first Monday in February in each year, or until their successors are duly elected and qualified, unless sooner removed by vote of said commissioners. Vacancies in their number may be filled at any time, in the manner provided for an original election. The respective rank of the assistant engineers shall be determined in their election.

Chief, deputy chief, and assistant engineers, and superintendent of fire alarm to be chosen annually by board, -

tenure of office,

vacancies.

Rank of assistants.

SECT. 11. The engineers chosen as provided in the preceding section shall, annually, as soon as practicable after their election, meet and organize as a board of engineers. The chief engineer shall preside at the meeting held for such organization, and at all meetings of the board; and in his absence, the deputy chief. In the absence of the chief and deputy chief engineer, the assistant engineer first in rank of those present shall preside. A majority of the whole board shall constitute a quorum. They may make such regulations for their own government as they may see fit, subject to the approval of the commissioners of the fire department.

Board of engineers;

meetings;

quorum;

regulations.

Board of engineers
may make certain
rules.

SECT. 12. The board of engineers may, subject to the approval of the commissioners of the fire department, make such rules and regulations for the government, discipline, and good order of the department and for the extinguishment of fires as they may deem expedient.

Chief engineer to
report violations
of building ordi-
nances;

SECT. 13. It shall be the duty of the chief engineer to make a report in writing to the building inspector and city marshal of any violations coming to his notice of any provision of any ordinance of the city establishing a fire district and regulating the construction of buildings; and he shall perform such other duties as the commissioners of the fire department may from time to time prescribe. He shall devote his whole time to the interests and business of the department. In

other duties;

in case of absence,
powers devolve on
deputy chief, etc.

case of his absence from the city or disability from any cause to perform his duties, his powers shall vest in and his duties be devolved upon the deputy chief or, in the absence of the deputy chief, the assistant engineer first in rank of those present in the city.

Chief, etc., to de-
tect and remove
combustible
materials.

SECT. 14. It shall be the duty of the chief engineer, or in his absence of the deputy chief engineer, to examine or cause to be examined all buildings and other places, where ashes, shavings, or other combustible materials may be collected or deposited, and at all times to be vigilant in causing the removal of the same, whenever necessary in his opinion, to avoid danger from fire. He shall direct the tenant or occupant of any such building or place, to remove or otherwise safely dispose of such ashes, shavings, or other combustible materials; and in case such tenant or occupant shall fail or refuse so to do, the chief engineer or deputy chief engineer shall remove or cause to be removed the same, at the expense of the said tenant or occupant. Any such tenant or occupant who shall, when thereto directed by said chief engineer, or deputy chief engineer, neglect or refuse to so remove any such ashes, shavings, or other combustible materials, shall be liable to a penalty for each such neglect or refusal of not more than twenty dollars.

Penalty.

Chief, etc., to
examine buildings
upon request,

SECT. 15. It shall also be the duty of the chief engineer, or in his absence of the deputy chief engineer, when requested by two or more citizens, representing that ashes or combustible materials, are kept in an insecure or illegal manner, or that the funnels, flues, fireboards, or heating apparatus of any building in

the city are in an insecure or dangerous state, to make a personal examination of such place or building, and to give the owner or occupant thereof written notice of the changes, alterations or repairs which in his opinion, the public safety may require ; and any person who shall neglect or refuse to make such changes, alterations, or repairs when so required, or shall prevent the examination aforesaid, or shall obstruct the said engineer in carrying out the provisions of this section, shall be liable to a penalty not exceeding twenty dollars.

and may require alterations.

Penalty.

SECT. 16. Every engine, hook and ladder, chemical engine and hose company shall have a captain, lieutenant and clerk, who shall be elected by the board of commissioners of the fire department from nominations presented to said commissioners by the chief engineer and deputy chief engineer. If such nominations are rejected by the commissioners, new nominations shall be made by said engineers. If at the expiration of ten days after nominations have been called for, the engineers fail to make such nominations, the commissioners may elect without such nominations being made. The clerk shall be one of the permanent men of the company, and shall perform the duties of clerk without any extra compensation therefor. The person elected shall have notice of his election by certificate thereof, signed by the commissioners, and shall hold the office to which he is chosen for the term of one year from the first day of May preceding his election, and until another shall be duly chosen in his stead, unless sooner removed by the board of commissioners of the fire department.

Each company to have captain, lieutenant, and clerk,

how chosen,

clerk's duties,

and tenure of office.

SECT. 17. Any officer or member of the fire department may, at any time, be suspended, removed or discharged by the commissioners of the fire department.

Commissioners may suspend, remove, or discharge.

SECT. 18. Any officer or member of the fire department, except the deputy chief engineer or an assistant engineer, who shall willfully neglect or refuse to perform his duty, or shall be guilty of disorderly conduct or of disobedience of orders or disrespect to superiors in office, may be suspended from the said department by the chief engineer or deputy chief engineer when in charge ; *provided*, however, that whenever the person so suspended feels aggrieved, he may, within thirty days from such suspension, appeal to the commissioners of the fire department for an investigation

Chief, etc., to have power to suspend in certain cases.

Appeal.

of the case, and said commissioners may, if they see fit, reinstate him in the place from which he was so suspended.

Members of department must be citizens.

and not employed otherwise by state or city.

Running members to observe same rules, etc., as call members.

Clerks of companies, duties of as to rolls.

Rolls to be signed by captain and clerk,

approved by chief, and transmitted to commissioners.

Penalty for falsification of rolls.

Amounts due companies, how paid.

Receipts to be obtained by captains and filed with city treasurer.

Apparatus not to be taken from the city, *except*.

SECT. 19. No person shall be a member of the fire department unless he is at the time a citizen of the city of Springfield and not less than twenty-one years of age. No person fully or permanently employed by the state, or by the city in any other department, shall be a member of said fire department; and any member of the fire department accepting a position requiring him to be so employed or removing from the city, shall be considered thereby to have resigned his membership of said fire department.

SECT. 20. Running members shall observe the same rules, regulations, and city ordinances as govern call members and be held to like responsibilities.

SECT. 21. The clerks of the several companies of the said department shall, on the first Mondays in March, June, September and December in each year, upon blanks furnished by the city, make out rolls bearing the full names, occupations, ages, and residences, of the members of their respective companies, specifying also the number of times the said companies have been called out and the attendance of the members respectively for the then previous three months; said rolls shall be filled out properly and signed by the captain and clerk of the company to which they relate, and immediately delivered to the chief engineer for his approval, who shall at once transmit them to the commissioners of the fire department. Captains or clerks signing falsified rolls shall be dismissed from the service.

SECT. 22. The amounts allowed to the several companies as aforesaid shall be paid to the permanent captains of the respective fire stations, to be by them disbursed immediately to the members therein stationed, as the same may be due. Said captains shall obtain from said members written receipts for all money paid them, which receipts they shall forthwith file with the city treasurer, who shall see that such receipts, covering the amount paid to the respective captains, are so filed prior to making any subsequent payment to them.

SECT. 23. No engine or any part of the apparatus belonging to the said department shall be taken from the city at any time, except for the purpose of having

the same repaired ; *provided*, however, that in case of a fire in a neighboring town or city, the chairman of the commissioners of the fire department, or, in his absence from the city, the chief engineer, or, in the absence of both from the city, the deputy chief or assistant engineer in charge of the department may order any engine, or any of said apparatus to be taken to such town or city for the purpose of assisting in the extinguishing of such fire.

SECT. 24. No person not a member of the said fire department, being present at a fire, shall assume without authority to exercise control over any members of the said department in respect to their duty, or willfully or unnecessarily make outcries or other loud noises, or be guilty of disorderly conduct in any manner, or promote or encourage disorderly conduct in others then present ; and it shall be the duty of the engineers to report to the commissioners of the fire department the name of any person so offending, and of every person who shall, contrary to law, refuse or neglect to obey any lawful order of any engineer at any fire occurring in the city.

No person, not a member of department, shall interfere at a fire.

Names of persons offending to be reported.

SECT. 25. No person not a member of the fire department or of the police department, shall, without the authority of some one of the officers of one of said departments, willfully remain or enter upon such part of any street, lane, or alley as is by the authority of the officers of either of said departments roped off, barricaded, or plainly designated in any way for the use of the fire department in extinguishing a fire, or for the protection of persons attending any fire.

No persons, except policemen and firemen, to enter streets, etc., barricaded by fire department.

SECT. 26. The pay of the members of said department shall from time to time be fixed by the city council.

Pay of members fixed by city council.

SECT. 27. The superintendent of the fire alarm is hereby designated as the officer required to be designated or appointed under the provisions of section eighteen of chapter one hundred and twenty-two of the Revised Laws. Said superintendent shall perform all of the duties incumbent upon him as such officer, by reason of the provisions of said act, and of any acts in amendment thereof, or in addition thereto.

Superintendent of fire alarm designated as supervisor of wires.

SECT. 28. Upon recommendation of the chief engineer of the fire department or upon his own petition therefor, any member of the fire department who by reason of permanent disability incurred while in the

Board of commissioners may grant pensions in cases of disability,

and after twenty years' service in certain cases.

discharge of his duty as fireman, is no longer able to perform active service as such fireman, or any member of the fire department who has performed faithful service in that department for a period of not less than twenty consecutive years, provided that he is incapacitated for further useful service, or any member of the fire department who has reached the age of sixty-five years, and who has performed faithful service in that department for a period of not less than twenty consecutive years, shall receive such a pension for such time and to such an amount as the board of commissioners of the fire department may determine and fix, not to exceed the amounts hereafter specified.

Pensions to be payable monthly and may be changed by commissioners.

SECT. 29. Every pension granted to a fireman shall be payable monthly, and at any time may be increased, diminished or revoked by the board of commissioners of the fire department after a hearing.

City physician to examine petitioners, and to examine pensioners annually and report.

SECT. 30. The city physician shall examine every person recommended or petitioning for a pension because of permanent disability or incapacity for useful service, and shall annually thereafter furnish to the board of commissioners of the fire department a written statement of the pensioner's physical condition so far as it affects permanently his ability or capacity to perform active service as a fireman.

Cause of disability to be stated in writing by chief, when.

SECT. 31. When any member of the fire department makes application for a pension because of permanent disability incurred in discharge of his duty as a fireman, the chief engineer shall forthwith furnish to the board of commissioners of the fire department a written statement of the circumstances under which the disability of the applicant for pension was incurred and the source of his information.

Commissioners to examine cases and decide upon pensions by majority vote.

SECT. 32. The board of commissioners of the fire department shall examine into all the cases where pensions are applied for, and a decision of a majority of the said board shall be final.

Limitation upon pension of chief or deputy chief engineer.

SECT. 33. A pension granted to the chief engineer or the deputy chief engineer shall not exceed one half of the salary received by him at the time he may be disabled.

Pensions for disability not to exceed \$40 a month.

SECT. 34. A pension granted a member because of permanent disability or incapacity for further useful service shall not exceed forty dollars a month.

Pensions for twenty years' serv-

SECT. 35. A pension granted a member who has reached the age of sixty-five having performed faith-

ful service for not less than twenty consecutive years, shall not exceed twenty-five dollars a month.

SECT. 36. The pensions herein provided for shall be paid out of the appropriation for the fire department.

SECT. 37. No person shall, without authority from the chairman of the board of fire commissioners, or the superintendent of the fire alarm telegraph, open, or in any way interfere with, break, or injure a signal box, wire, or anything connected with the fire alarm telegraph apparatus, except for the purpose of giving an alarm in case of fire.

SECT. 38. No person shall willfully or without cause destroy, injure, or deface a signal box, wire or any other thing connected with the fire alarm telegraph apparatus.

SECT. 39. Whoever violates any of the provisions of sections twenty-four, twenty-five, thirty-seven and thirty-eight of this chapter shall be punished by a fine of not exceeding twenty dollars.

ice, etc., not to exceed \$25 a month.

Pensions to be paid out of appropriation for department.

No person shall without authority interfere with fire alarm telegraph.

No person shall injure apparatus of fire alarm telegraph.

Penalty for violations of §§ 24, 25, 37, 38.

CHAPTER 30.

FIRE DISTRICT AND CONSTRUCTION OF BUILDINGS
THEREIN.

Section.

1. Fire limits bounded.
2. Restrictions and requirements as to buildings within limits.
3. Foundation walls, how built, piles may be required. Construction under sidewalks and in areas.
4. Construction of piers in basements; of brick walls.
5. Spaces between walls; piers, buttresses, etc.; thickness of walls.
6. Requirements as to walls already constructed. Walls to be bonded. No wall to be carried up more than two stories in advance of any other.
7. Walls to be carried to roof. Hollow walls.
8. Construction of cornices, etc., covering of roofs; projecting show windows; columns.
9. Strength of floors, of roofs. Requirements as to timbers entering brick walls. Written statements as to certain buildings to be filed and recorded. Inspector may examine buildings and order change of load.
10. Construction of chimneys; of fireplaces. Chimneys to extend 3 feet above roof. Space over furnaces and around stovepipes.
11. Certain buildings to be provided with standpipes.

Section.

12. Elevators to be carried above roofs, enclosures to be of metal, etc. Outside electric switches and gas valves.
13. No wooden building within fire limits to be raised, reconstructed, or moved, *except*.
14. Wooden buildings damaged by fire may be rebuilt if 60% of value remains; board of aldermen to determine value and may adjudge building a nuisance if less than 60% remains.
15. Inspector of buildings, duties as to notice, etc.; if notice to owner is disregarded, notice to be given to mayor.
16. Stores, etc., more than 45 feet high to have fireproof doors, blinds, or shutters.
17. Inspector of buildings, how designated. Tenure of office. Chief and deputy chief engineers of fire department to be ineligible.
18. Openings in party walls. Fire and smoke stops. Thickness and height of walls, how measured. Provisions as to walls built in part of iron or steel. Wood lintels. Bonding of walls built of both brick and stone. Water tanks to be on brick walls and approved by inspector.
19. Penalty.

Fire limits
bounded.

SECTION. 1. The fire limits of the city of Springfield shall include all that part of the city bounded northerly by a line one hundred and fifty feet north of Bradford and Carew streets, easterly by a line one hundred and fifty feet east of Chestnut and Maple streets and extending southerly to the northerly side of Temple street, thence along the center line of Maple street to Central street, southerly by a line one hundred

and fifty feet south of Central and Fremont streets and Whitney avenue, and westerly by the Connecticut river.

SECT. 2. No building or structure shall be erected or constructed within said fire limits unless the external and party walls of the same are composed of brick, stone, iron or other incombustible materials, and no building already erected or hereafter to be built, shall be raised, altered or built upon, unless when completed it shall be in conformity to the requirements of this ordinance.

Restrictions and requirements as to buildings within fire limits.

SECT. 3. Foundation walls shall be built of stone or brick. If built of rubblestone, they shall be at least eight inches thicker than the wall next above them to a depth of twelve feet or less below the curb level, and for every additional ten feet or part thereof in depth, they shall be increased four inches in thickness. If built of brick or block stone laid in courses, they shall be at least four inches thicker than the wall next above them to a depth of twelve feet or less below the curb level, and for every additional ten feet or part thereof in depth, they shall be increased four inches in thickness. The footing or base course shall be of stone or concrete, or both, or of stepped-up brick work on a secure foundation, and of sufficient thickness and area to bear safely the weight to be imposed thereon. If the base course be of concrete, it must be made satisfactory to the inspector of buildings; if of stone, the stones shall be not less than two feet crosswise the wall and at least eight inches in thickness for the walls, and at least twelve inches wider than the bottom width of the walls; and if under piers, columns or posts, not less than ten inches in thickness and at least twelve inches wider on all sides than the bottom width of such piers, columns or posts. Where the nature of the ground is such that extra footings or foundations are necessary, said inspector may require piles or other means of securing suitable foundations. Before the walls of buildings are carried up above the foundation, all pipes for sewer connections must be laid. In buildings where the space under the sidewalk is utilized, a sufficient stone or brick wall shall be built to retain the roadway of the street, and the side, end or party walls of such buildings shall extend under the sidewalk to such retaining wall, and shall be not less than twelve inches in thickness. The covering

Foundation walls, how built,

piles may be required.

Construction under sidewalks and in areas.

used for such areas shall be of stone, brick, iron or other incombustible materials, and of sufficient strength to insure the safety of persons walking on the same and to carry any load to which the same may be subjected. Open areas shall be properly protected with suitable railings.

Construction of
piers in base-
ments;

SECT. 4. All piers in the basements of buildings shall be built of stone, well bonded, or of good, hard, well-burned brick laid in cement mortar. Brick piers over twelve inches square, except in dwelling houses and stables, shall have built into them for their entire height bond stones or iron plates of the full size of the piers and not over forty inches apart. The bond stones to be at least four inches thick and the plates not less than one and one-half inches in thickness. In warehouses, stores or other buildings over forty feet in height, all piers built of brick and more than six feet in height shall be not less than twelve inches square, and have a cap proportioned to the load to be carried and of the full size of the pier under all girders, iron or other columns to be supported by such pier. The mortar shall be made of sand and cement, in the proportion of not more than three parts of sand to one part of cement, and shall be used immediately after being mixed. All brick walls of warehouses, stores and factories, twenty-five feet or less in width between the walls, shall not be less than twelve inches in thickness to the height of thirty-five feet. If over thirty-five feet in height and not over sixty feet, the walls shall be not less than sixteen inches thick to the height of thirty-five feet, or to the nearest tier of beams to that height, and not less than twelve inches thick thence to the top. If over sixty feet in height and not over seventy-five feet, the walls shall be not less than twenty inches thick to the height of twenty-five feet, or to the nearest tier of beams to that height, and from thence not less than sixteen inches thick to the height of fifty-five feet, and thence not less than twelve inches to the top. If over seventy-five feet and not over one hundred feet in height, the walls shall be not less than twenty-four inches thick to the height of twenty feet, or to the nearest tier of beams to that height, thence not less than twenty inches thick to the height of sixty feet, or to the nearest tier of beams to that height, and thence not less than sixteen inches to the height of eighty-five feet, and thence not less than

of brick walls.

twelve inches thick to the top. Walls over one hundred feet high must be subject to the approval of the board of aldermen.

SECT. 5. Whenever there is to be a clear space without a vertical support of over twenty-five feet between main or partition walls, the bearing walls shall be four inches more in thickness than specified in section four for every twelve and one-half feet or fraction thereof that said space shall exceed said twenty-five feet. Whenever the walls of any building are less than twenty-five feet apart and the building is less than forty feet deep, or there are cross walls not more than forty feet apart, or piers or buttresses are built into the walls, the interior walls may be reduced in thickness in just proportion to the number of cross walls, piers or buttresses and their nearness to each other, and the inspector is empowered to decide how much such walls may be so reduced without endangering the strength of the building, and where either interior or exterior walls are weakened by openings, they must be reinforced by piers, pilasters or buttresses, as said inspector may direct. Churches, theaters and halls shall in no case be less than is specified for warehouses, and such buildings shall also have in addition thereto such piers or buttresses as in the judgment of said inspector may be necessary. The walls of other public buildings must be of suitable thickness, subject to the approval of said inspector. One-story structures not exceeding a height of fifteen feet may be built with eight inch walls when the bearing walls are not more than nineteen feet apart and the length of the eight-inch bearing walls do not exceed thirty-five feet. Curtain walls of brick, built in between iron or steel columns and supported wholly on iron and steel girders not over eighteen feet apart, shall be not less than eight inches thick. The upper story of outer wall and the partition walls of dwelling houses may be eight inches thick.

SECT. 6. Exterior or party walls already erected may be used, if in good condition, provided the height of the same be not increased. In case it is desired to increase the height of the said walls, the walls must be reinforced by additional brick work to form a combined thickness with the old wall of not less than four inches more than the thickness required for a new wall corresponding with the height of the wall when increased. The additional thickness shall be supported

Spaces between walls;

piers, buttresses, etc.;

thickness of walls.

Requirements as to walls already constructed.

Walls to be bonded.	<p>on proper foundations and carried up to such height as said inspector may require, and it shall be not less than eight inches in thickness, laid in cement mortar, thoroughly anchored to the old wall and subject to the approval of said inspector. The old walls shall first be cleaned of plaster or other coating where any lining is to be built against the same. The front, rear, side and party walls shall be properly bonded together or anchored to each other every six feet in their height by wrought-iron tie anchors not less than one and one-half inches by three-eighths of an inch in size, whenever said front, rear or party walls are not built or bonded together by brickwork as the building is being constructed, and in no case shall any wall or walls be carried up more than two stories in advance of any other wall except by permission of said inspector.</p>
No wall to be carried up more than two stories in advance of any other.	<p>SECT. 7. All division or party walls shall be carried up not less than twenty-four inches above the roof and shall be capped with stone or metal securely fastened, provided that on the fronts or steep portions of French or Mansard roofs the party wall may be built up to the roof boards. On exterior walls at least eight inches of brick wall must be carried to the under side of the roof covering behind the cornices. In all walls that are built hollow the same quantity of material shall be used as if they were built solid, and the parts of the same must be connected by proper ties of brick, stone or iron placed not over twelve inches apart either way. Recesses for water or other pipes made in walls shall not be more than one-third of the thickness of the walls without permission from said inspector, and recesses around such pipes must be filled with solid masonry at each story.</p>
Hollow walls.	<p>SECT. 8. Stone or brick cornices must be so constructed that at least two-thirds of the weight shall be inside the outer face of the wall. The cornices and jet, Mansard roofs and dormer windows of all buildings, including such as are hereafter replaced, shall be constructed wholly of fireproof materials, and the roofs of buildings shall be covered with slate, tin or other non-combustible materials. All cornices shall be well secured to the walls with iron anchors, independent of any woodwork. Show windows extending beyond the front walls of any building shall be constructed of iron and glass or other non-combustible materials. There shall be suitable columns of wood or</p>
Construction of cornices, etc.;	
covering of roofs;	
projecting show windows;	
columns.	

iron placed in all warehouses, stores and factories where the space between the walls shall exceed twenty-five feet, and every such column, post or vertical support shall be of sufficient strength to bear safely the weight of the portion of each and every floor depending upon it for support in addition to the weight of materials comprising the same.

SECT. 9. In every building used as a dwelling house, tenement house or hotel each floor shall be of sufficient strength in all its parts to bear safely upon every superficial foot of its surface seventy pounds. If to be used for office purposes not less than one hundred pounds to every superficial foot; if it is to be used as a place of public assembly, one hundred and twenty pounds, and if to be used for a store, factory, warehouse or for any manufacturing or commercial purpose, one hundred and fifty pounds. Roofs shall be of sufficient strength to support fifty pounds upon every superficial foot. All joists, beams, and other timbers entering brick walls shall be separated endwise at least four inches from each other with brick or stone laid in lime or cement mortar, and the ends of all such timbers shall have a bearing of at least four inches and shall be cut and placed so that the falling of the timber shall not destroy the wall. In all warehouses, storehouses, factories, workshops and stores where heavy materials are kept or stored, or machinery introduced, the weight that each floor will safely sustain upon each superficial foot thereof shall be estimated by the owner, or by a competent person employed by such owner, who shall make a written statement of the thickness and material of walls, size, distance apart, and material of girders, beams, columns or posts to support floors, which shall be filed in the office of said inspector and recorded. If said inspector has cause to doubt the correctness of said estimate, he may revise and correct the same, and for the purpose of such revision may enter any building and remove or cause to be removed so much of any floor or other portion thereof as may be required to make the necessary measurements and examination, and he may, when he deems it necessary, require the owner or occupant of any building or part thereof to redistribute the load on any floor or to lighten such load.

SECT. 10. All chimneys shall be so built that the walls thereof shall be at least four inches in thickness

Strength of floors.

of roofs.

Requirements as to timbers entering brick walls.

Written statements as to certain buildings to be filed and recorded.

Inspector may examine buildings and order change of load.

Construction of chimneys;

on each side of the flues, and the joints of the brick work shall be well laid in cement or lime mortar struck smooth on the inside and plastered on the outside from foundation to under side of roofing. No woodwork of any kind shall be placed at a less distance than one inch from the outside of any chimney flue, hot air or steam pipe. The backs and hearths of fireplaces shall be not less than eight inches thick of solid masonry, and floor joists and flooring shall be placed at least twenty inches from the front of the chimney. If chimneys are built with a cast-iron or fire-clay lining from the bottom of the flue, or from the throat of the fireplace, if the flue starts therefrom, carried up continuously to the extreme height of the flue, then the thickness of the wall of such chimney need not exceed four inches. All chimneys shall extend at least three feet above the roof and be capped with terra-cotta, stone, cast-iron, or other suitable material. All furnaces shall have a space of at least twenty inches between the top of the furnace and the underside of the floor timbers unless the same is protected by a metal shield extending at least four feet in front, and in no case shall the space be less than ten inches. No stovepipe in any building with wooden or combustible floors, ceilings or partitions shall enter any flue unless the said pipe shall be at least twelve inches from either the said floors, ceilings or partitions, or unless the same is protected by a metal shield in which case the distance shall be not less than six inches. In all cases where stovepipes pass through stud or wooden partitions of any kind, floors or roof, they shall be guarded either by a double collar of metal with at least three inches of air space and holes for ventilation, or soapstone not less than three inches thick extending through the partition floor or roof and they shall be subject to the approval of said inspector.

of fireplaces.

Chimneys to extend three feet above roof.

Space over furnaces.

Spaces around stovepipes.

Certain buildings to be provided with standpipes.

SECT. 11. All buildings over fifty feet in height shall be furnished with permanent standpipes attached to the outside of the walls, to extend above the roof, with two inlets at a convenient point from the sidewalk for attaching hose from a hydrant or steamer, and a discharge gate and iron balcony at each floor and a discharge gate on the roof for the use of the fire department; the number and size of these pipes to be approved by said inspector. Said pipes may be placed on buildings in connection with the balcony

fire escape ordered by the state inspector when such balconies are built directly above each other.

SECT. 12. All elevators shall be carried above the roof and covered with glass, which may be protected with wire netting. All scuttles and all bulkheads used for the enclosure of elevators and the coverings for the machinery of the same shall be covered with metal on all sides, including sides and edges and doors of the same. The inner surfaces of all light and elevator shafts unless they are built of fireproof material must be lined with metal, and if constructed with wooden studs the spaces between the studs must be completely filled with some fireproof material. Electric currents entering buildings must have cutout switches on the outside that are positive in their work and easy of access. All gas service pipes entering buildings must have a valve on the outside of the buildings located at a convenient point, easy of access and to be kept in perfect order by the gas company.

Elevators to be carried above roof, enclosures to be of metal, etc.

Outside electric switches.

Outside gas valves.

SECT. 13. Except by permission of the board of aldermen no wooden building or part thereof within the said fire limits shall be raised unless to conform to a change of grade of the street on which said building may stand; and without like permission no wooden building within said limits shall be enlarged or reconstructed outwardly unless the enlargement or reconstruction is made in accordance with the provisions of this ordinance. Nor shall any wooden building be moved from without said fire limits into the same, nor from one place to another within said limits, except as may be necessary to move the same across or out of the fire limits aforesaid, or to conform to any change in the width, or to any other alteration of the street on which said building may stand, except by like permission of said board.

No wooden building within fire limits to be raised,

reconstructed,

or moved, *except*.

SECT. 14. Any wooden building within said fire limits that shall be damaged by fire or other casualty may be rebuilt or repaired if it shall be determined by the board of aldermen that the building damaged as aforesaid is worth sixty per cent. of what it would cost to build a new building of like character; but if they shall determine that the building so damaged is worth less than sixty per cent. of such cost then said board may, after due notice in writing to the owner of said building or his authorized agent having charge of the same, and a hearing thereon, adjudge said building to

Wooden buildings damaged by fire may be rebuilt if 60% of value remains;

board of aldermen to determine value, and may adjudge building a nuisance if less than 60% remains.

be a nuisance, or dangerous to the neighborhood, and all subsequent proceedings in relation to the same must be in conformity to the laws and ordinances relating to burnt and dilapidated buildings.

Inspector of buildings, duties as to notice, etc.;

SECT. 15. It shall be the duty of said inspector of buildings to examine and inspect all buildings erected or in process of erection within said fire limits, and give immediate written notice to the owner of any violation of the requirements of this ordinance, and the owner shall at once rectify said violation. If this notice is disregarded, said inspector must at once give written notice of such violation to the mayor, who shall take such measures as may be necessary to enforce the provisions herein contained and protect the interests of the city.

if notice to owner is disregarded, notice to be given to mayor.

Stores, etc., more than 45 feet high, to have fireproof doors, blinds or shutters.

SECT. 16. All stores, storehouses, workshops and manufactories that are now or may hereafter be built in said fire limits, which are more than forty-five feet in height, shall have fireproof doors, blinds or shutters, which shall be hung independent of the woodwork on every window and entrance above the first story, where the same do not open on a street or unoccupied space of twenty-five feet or more in width; and every such door, blind or shutter shall be closed upon the completion of the business of each day, by the occupant having the use or control of the same.

Inspector of buildings, how designated.

SECT. 17. The mayor and aldermen shall annually during the month of January designate an officer to be nominated by the mayor to be inspector of buildings, as provided for in section four of chapter one hundred and four of the Revised Laws. Said inspector shall hold his office until his successor is designated, unless sooner removed therefrom, in which case a new inspector shall at once be designated. The city engineer and the chief and deputy chief engineer of the fire department shall be ineligible to said office.

Tenure of office.

Chief and deputy chief engineers of fire department to be ineligible.

Openings in party walls.

SECT. 18. Whenever it becomes desirable to cut a doorway through any party wall separating two buildings, permission therefor shall first be obtained of said inspector. The inspector may require such fire and smoke stops as he may deem necessary to prevent the spread of fire in the building. The thickness of every wall as herein determined shall be the minimum thickness as applied to solid walls. The height of every external or party wall as referred to in this ordinance shall be measured from the level of the street curb to

Fire and smoke stops.

Thickness and height of walls, how measured.

its highest point. External walls may be built in part of iron or steel, and when so built may be of less thickness than is required for brick, provided such walls meet the requirements of this ordinance as to strength, and provided that all constructional parts are wholly protected from heat by brick or terra cotta, or by plastering three-fourths of an inch thick with iron furring and wire lathing. Wood lintels shall not be used for the support of brick walls over openings more than four feet wide. Walls composed of stone facing with brick backing, must have bonds of stone or iron, not more than two feet apart each way, satisfactory to said inspector. Water tanks for fire purposes, which will contain five hundred gallons or more, erected upon the highest part of a building, shall be placed on brick walls and approved by the inspector of buildings before being filled with water.

Provisions as to walls built in part of iron or steel.

Wood lintels.

Bonding of walls built of both brick and stone.

Water tanks to be on brick walls and approved by inspector.

SECT. 19. Whoever violates any of the provisions of this ordinance shall forfeit and pay for each offense not exceeding one hundred dollars.

Penalty.

CHAPTER 31.

DILAPIDATED OR DANGEROUS BUILDINGS.

Section.	Section.
1. Revised Laws, chapter 101, sections 1-5, accepted.	Laws § 4. Inspection of buildings.
Laws § 1. Burnt, dilapidated or dangerous buildings, how disposed of.	Laws § 5. Dangerous structures to be secured or removed.
Laws § 2. Owner aggrieved may apply for jury.	Laws § 6. Survey of premises.
Laws § 3. Verdict of jury, etc.	Laws § 7. Unsafe structures to be taken down.
Laws § 4. Costs.	Laws § 8. Appeal from order.
Laws § 5. Nuisance may be abated, etc.	Laws § 9. Notice to non-residents.
2. Revised Laws, chapter 104, sections 4-12, accepted.	Laws § 10. Restraint of illegal construction, etc.
	Laws § 11. Schoolhouses in cities to have fire escapes.
	Laws § 12. Inspection of unsafe structures.

R. L., ch. 101,
sects. 1-5, accepted.

SECTION 1. The first, second, third, fourth and fifth sections of Chapter 101 of the Revised Laws are hereby accepted and adopted as follows, to wit:—

Burnt, dilapi-
dated, or danger-
ous buildings, how
disposed of.

“SECT. 1. In a city or town in which the city council or the inhabitants accept the provisions of this and the four following sections or have accepted the corresponding provisions of earlier laws, the mayor and aldermen or selectmen, after notice in writing to the owner of a burnt, dilapidated or dangerous building, and a hearing, may adjudge it to be a nuisance to the neighborhood, or dangerous, and may thereupon make and record an order prescribing the disposition, alteration or regulation thereof. The city or town clerk shall deliver a copy of the order to a constable, who shall forthwith serve an attested copy thereof upon such owner, and make return of his doings thereon to said clerk.

Owner aggrieved
may apply for
jury.

“SECT. 2. An owner who is aggrieved by such order may, within three days after the service thereof upon him, apply to the superior court for a jury. The court shall issue a warrant for a jury, which shall be impaneled by the sheriff within fourteen days after the date of the warrant in the manner provided in chapter forty-eight; or, instead thereof, if the applicant for a jury so elects and after such notice as the court shall order to the adverse party, it shall order a

trial to be had at the bar of the superior court, in the same manner as other civil causes are there tried by jury.

“SECT. 3. The jury may affirm, annul or alter such order ; and the sheriff, if the trial is before him, shall return the verdict to the next sitting of the court for acceptance ; and the verdict, whether before the sheriff or in the superior court, being accepted, shall take effect as an original order. Verdict of jury, etc.

“SECT. 4. If the order is affirmed, the applicant shall pay the costs ; if it is annulled, he shall recover damages and costs against the city or town ; and if it is altered, the court may render such judgment as to costs as justice shall require. Costs.

“SECT. 5. The mayor and aldermen of a city or selectmen of a town shall have the same power and authority to abate and remove any such nuisance as is given to the board of health of a city or town by the provisions of sections sixty-seven, sixty-eight and sixty-nine of chapter seventy-five.” Nuisance may be abated, etc.

SECT. 2. The fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sections of Chapter 104 of the Revised Laws are hereby accepted and adopted as follows, to wit :— R. L., ch. 104, sects. 4-12, accepted.

“SECT. 4. In a city or town which accepts the provisions of this and the eight following sections or has accepted the corresponding provisions of earlier laws, the superintendent of public buildings or such other officer as the mayor and aldermen of said city or the selectmen of said town may designate shall be inspector of buildings, and, immediately upon being informed by report or otherwise that a building or other structure or anything attached to or connected therewith in said city or town is unsafe or dangerous to life or limb, shall inspect the same ; and if it appears to him to be dangerous, he shall forthwith in writing notify the owner, agent or any person having an interest therein to remove it or make it safe and secure. If it appears that such structure would be specially unsafe in case of fire, it shall be deemed dangerous within the meaning hereof, and the inspector may affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him. Inspection of buildings.

“SECT. 5. Whoever is so notified shall be allowed until twelve o'clock noon of the day following the serv- Dangerous structures to be

secured or removed.

ice of the notice in which to commence the securing or removal of such structure, and he shall employ sufficient labor speedily to secure or remove it ; but if the public safety so requires and if the mayor and aldermen or selectmen so order, the inspector may immediately enter upon the premises with the necessary workmen and assistants and cause such unsafe structure to be shored up, taken down or otherwise secured without delay, and a proper fence or boarding put up for the protection of passers-by.

Survey of premises.

“SECT. 6. If such owner, agent or person interested in such unsafe structure refuses or neglects to comply with the requirements of such notice within the time limited, and such structure is not secured or taken down as therein ordered, a careful survey of the premises shall be made by a board consisting in a city, of the city engineer, the chief engineer of the fire department and one disinterested person to be appointed by said inspector, and in a town, of a surveyor, the chief engineer of the fire department and one disinterested person to be appointed by said inspector. If there is no city engineer in such city or no chief engineer of the fire department in such city or town, the mayor and aldermen or selectmen, as the case may be, shall designate one or more officers or other suitable persons in place of the officers so named as members of said board. A report of such survey shall be made in writing and a copy thereof served on such owner, agent or any interested person.

Unsafe structures to be taken down.

“SECT. 7. If such report declares such structure to be unsafe and dangerous, and if the owner, agent or person interested continues such refusal or neglect, the inspector shall cause it to be taken down or otherwise made safe ; and the costs and charges incurred shall constitute a lien upon the land upon which the building is situated, and shall be enforced within the time and in the manner provided for the collection of taxes on land ; and such owner or interested person shall, for every day's continuance of such refusal or neglect after being so notified, forfeit to the city or town in which the structure is situated not less than ten nor more than fifty dollars.

Appeal from order.

“SECT. 8. An owner or interested person who is aggrieved by such order may have the remedy prescribed by sections two, three and four of chapter one hundred and one ; but the provisions of this section

shall not prevent the city or town from recovering the forfeiture provided in the preceding section from the date of the service of the original notice, unless the order is annulled by the jury.

“SECT. 9. If an owner or interested person lives out of the Commonwealth, said notices may be served upon him by a notary public, whose certificate of service under his notarial seal shall be sufficient evidence thereof.

Notice to non-residents.

“SECT. 10. The supreme judicial court or the superior court shall have jurisdiction in equity to restrain the construction, alteration, maintenance or use of a building or structure in violation of the provisions of any ordinance or by-law of a city or town and to order its removal or abatement as a nuisance; and to restrain the further construction, alteration or repair of a building or structure reported to be unsafe or dangerous under a survey authorized by section six, until the determination of the matter, as provided in section eight.

Restraint of illegal construction, etc.

“SECT. 11. If a schoolhouse in a city has not been provided with a safe and proper egress or other means of escape from fire, as required by this chapter, within six months after the written notice provided for in section eighteen, the mayor, for the purpose of conforming to the provisions of this chapter relative to egresses or other means of escape from fire in schoolhouses, may, upon petition of one hundred citizens or taxpayers in said city, authorize the expenditure upon such schoolhouse of not more than fifteen per cent. of the cost thereof, payable from any money in the treasury of said city which is not otherwise appropriated.

Schoolhouses in cities to have fire escapes.

“SECT. 12. Any member of the inspection department of the district police, if called upon by the mayor and aldermen of any city, except Boston, or by the selectmen of a town, shall inspect any building or other structure or anything attached to or connected therewith in such city or town which has been represented to be unsafe or dangerous to life or limb.”

Inspection of unsafe structures.

CHAPTER 32.

WATER DEPARTMENT.

Section.

1. Officers of water department, of whom to consist. How and when elected; tenure of office. Vacancies, how filled. Salaries.
2. Water registrar, his duties.
3. Superintendent of water works, his duty.
4. Collector of taxes to receipt for bills committed to him; to collect; to account; to pay to city treasurer and to report. Collector's bond.
5. Bills abated or changed, procedure. Water department to collect no bills.
6. Rules as to use of water, etc. Penalties for violation of rules.

Section.

7. Extensions of water service on city property not to be made without application to water registrar.
8. Work on street watering fixtures to be done by department, on orders from supervisors, and at expense of street watering department.
9. Payment for water used by contractors on city contracts.
10. Lessees, etc., of city property to pay regular rates.
11. City not to pay for water used, but department to be credited therewith.

Officers of water department, of whom to consist.

How and when elected; tenure of office.

Vacancies, how filled.

Salaries.

Water registrar, his duties.

SECTION 1. The officers of the water department of this city, under the direction of the board of water commissioners, shall consist of a water registrar and a superintendent of water works, who shall both be elected by *viva voce* vote by said board, in the month of February annually, to hold their offices one year, from the following first Monday in April and until their successors are elected, unless sooner removed. Said board shall fill by election in manner aforesaid any vacancy in either office for the unexpired term only. Either officer may be removed by said board at any time for cause. The salaries of both officers shall be fixed by said board.

SECT. 2. The water registrar shall be the accountant officer of the department, and shall keep such accounts, make such inspections and reports, and perform such other services as said board may prescribe. He shall also make out and, on the first of every month, commit to the collector of taxes for collection, bills for all money that shall have become due the city on account of the water department, with a list thereof arranged in convenient form for reference,

and receive the collector's receipt for the amount stated therein. He shall also retain in his office an exact duplicate of each list placed in the collector's hands.

SECT. 3. It shall be the duty of the superintendent of water works, under the direction of said board, to have charge and care of all property, new construction, extension, repairs and management of the works of said department, and to make such reports and perform such further services as said board may prescribe.

Superintendent
of water works,
his duty.

SECT. 4. The collector of taxes shall receive and receipt for all bills and lists committed to him by the water registrar, as herein provided, and proceed to collect the same as speedily as possible, giving such notices and making such demands as may be prescribed by said board; and he shall account to the water commissioners for the amounts stated in said lists, either in money or certificates of abatements; on the first of every week he shall pay over to the city treasurer all money collected by him on account of said department and notify the water registrar of such payment, he shall transmit monthly to said board a list of the unpaid bills in his hands, which were committed to him on the first of the month next preceding, with memoranda thereon, stating the reasons for their non-payment, so far as may be known to him. At the close of each fiscal year he shall promptly transmit to said board a complete and detailed list, or report, of all unpaid bills in his hands at that date, with a statement of the amount of the same. He shall also give such a bond for the faithful performance of his duties herein prescribed as the mayor and aldermen shall approve.

Collector of taxes
to receipt for bills
committed to him;
to collect;

to account;

to pay to city
treasurer,

and to report.

Collector's bond.

SECT. 5. Whenever any bill that has been committed to the collector as herein provided is abated or changed, a memorandum of such abatement or change shall be sent to him by the water registrar, as a temporary voucher for the amount of the same; and at the close of each fiscal year a certificate for the total amount as shown in detail on the books of the department, of such abatements or changes made during the year on the monthly lists committed, shall be signed by the chairman of said board, or in his absence, by some other member thereof, and shall be sent to the collector and become his permanent voucher for the amounts therein stated. Said board shall not themselves, or by any officer or person connected with or in

Bills abated or
changed, pro-
cedure.

Water department
to collect no bills.

- the employ of their department, collect any bill or money due the city on account of said department.
- Rules as to use of water, etc.** SECT. 6. Said board may prescribe rules and regulations not conflicting with any ordinance of the city, for the introduction and use of city water and payment therefor, and for the inspection, material, construction, alteration, or use of all water pipes and of water fixtures of every kind through which water supplied by the city is used by any person or corporation, printed copies of which rules and regulations shall be furnished all persons taking water of the city. Any person violating any of such rules and regulations shall be subject to a fine not exceeding twenty dollars, to be recovered in the police court of this city. Said board may prohibit the use of water by any person or corporation neglecting or refusing to comply with such rules and regulations.
- Penalties for violation of rules.**
- Extensions of water service on city property not to be made without application to water registrar.** SECT. 7. No extension of or addition to the present water pipes, fixtures or appurtenances, or the use of water through the same, in any building or on any property belonging to the city or any department thereof, shall be made except upon prior application for the same to the water registrar, by the department, committee or commission of the city having charge of such property.
- Work on street watering fixtures to be done by department, on orders from supervisors,**
- and at expense of street watering department.** SECT. 8. All the installing, changing, relocating, discontinuing, repairing and maintaining of stand-pipes, or other street watering fixtures and appurtenances, including the turning off and on of the water as ordered, shall be performed by the water department upon orders from the board of supervisors or their authorized agents; and the expense thereof shall be borne by the street watering department.
- Payment for water used by contractors on city contracts.** SECT. 9. All city water used by private contractors under city contracts shall be charged for, and the regular schedule rates for the same, collected in the name of the city department, committee or commission making such contract, and payment therefor by said contractor, shall be provided for in the specifications of each such contract.
- Lessees, etc., of city property to pay regular rates.** SECT. 10. Whenever any portion of the city property, with the exception of the city hall or school halls, is leased or sub-let to private parties, and any rental or its equivalent is charged or received for the same, then and in such case the water department shall be entitled to its just revenues for the use of the city water by

such private parties, and shall charge the regular schedule rates therefor and the same shall be collected in the name of the city department, committee or commission having charge of such city property.

SECT. 11. Except as provided in the above two sections, no charge shall be collected by or for the water department for water furnished the city in its corporate capacity, or to any department thereof, which may be used for municipal purposes, but said board may in its annual report, and on the books of the department, credit annually the water department with the value of the water furnished the city for municipal purposes, to be estimated as follows :

City not to pay for water used,

but department to be credited therewith.

For fire protection, at twenty-five dollars for each and every public fire hydrant:

For street watering, at an average of one and one half cents for each and every linear foot of surface watered during the season:

For flushing sewers and drains, at ten dollars for each and every flush gate or other fixture used for such purpose:

For public watering tanks for animals, at fifty dollars for each and every such tank:

For public drinking fountains for persons, at twenty dollars for each and every such fountain:

For all other uses of city water for municipal purposes, at the regular schedule rates for private takers.

CHAPTER 33.

POLICE COMMISSION AND DUTIES OF THE POLICE DEPARTMENT.

Section.

1. Police commission, appointment and qualifications. Tenure of office. Compensation and removal.
2. Vacancies, how filled.
3. Vice-chairman and clerk. Compensation of clerk.
4. Powers and duties of police commission.
5. Police commission, meetings, estimates and account. Not to exceed credit of department.
6. Approval of bills.
7. Police department, of whom to consist.
8. Police commission to elect other members of department. Marshal and assistant marshal to act as constables.
9. Sergeants, how chosen. Vacancies, how filled.
10. Lieutenant, how chosen and removed.
11. Inspectors, how chosen and removed.
12. Certain officers to be sworn. Marshal and assistant marshal to give bond.
13. City marshal, powers and duties. To report breaches of discipline. Offenders may be punished, when. Marshal

Section.

- may suspend police officers. *Proviso.* "For cause" defined.
14. City marshal to be provided with money for emergency expenses. Emergency bills to be approved. Money to be returned by marshal.
 15. City marshal, other duties of; nuisances, etc.; offenses against laws, etc.; complaints; prosecutions; commands of mayor, etc.
 16. City marshal, watchmen, duties of in case of fire.
 17. Assistant marshal, powers and duties of.
 18. City marshal and other officers to account for and pay over fees, etc., to treasurer.
 19. Police signal telegraph to be in charge of superintendent of fire alarm. Expense to be charged to police commission.
 20. Revised Laws, chapter 108, sections 26-28, accepted, reserve police force established.
- Laws § 26. Reserve police force.
Laws § 27. Number of members.
Laws § 28. Powers, duties, compensation.

Police commis-
sion,

appointment

SECTION 1. The police commission shall consist of the mayor, acting *ex officio*, and three other persons chosen as hereinafter provided. The present members of the police commission shall hold their offices during the terms for which they have been respectively appointed. Annually hereafter, in the month of April, the mayor shall appoint, subject to confirmation by the board of aldermen, a citizen and resident of the city to be a member of said commission for the term of three years from the succeeding first Monday of May and until his successor is chosen. The mayor shall act as chairman of said commission, but shall have no

power to vote. In all appointments of members of said commission the political affiliation of the appointee shall be considered, with a view to so constituting the commission that not more than two of its members so appointed shall be of the same political party. No person shall be appointed who is a member of the city council or holds any public office for which he receives an annual salary. No person shall be appointed a member of said commission who has not been a resident of the city of Springfield for at least three years immediately preceding such appointment, or who is, or at any time during the same period of three years has been, directly or indirectly engaged in or directly interested in, the manufacture or sale of intoxicating liquor. No person shall serve as an appointed member of said commission more than two consecutive terms of three years each. If any appointed member of said commission shall remove from the city, or shall accept any salaried public office, or shall become directly or indirectly engaged in or directly interested in, the sale or manufacture of intoxicating liquor, he shall cease thereby to be a member of said commission.

and qualifications.

Tenure of office.

The members of said commission shall serve without compensation, and may be removed by the mayor after due hearing, subject to approval by the board of aldermen.

Compensation and removal.

SECT. 2. In case any person so appointed shall die, resign, or become disqualified during his term of office, the remaining members of said commission, or a majority thereof, shall forthwith notify the mayor, in writing, of the vacancy existing, who shall, as soon as may be, appoint, subject to confirmation as aforesaid, a member of said commission to fill such vacancy for the residue of the term.

Vacancies, how filled.

SECT. 3. Said commission shall choose one of its members to be the vice-chairman of the commission, who shall hold such position for such a term as the rules of said commission may prescribe; or, if such rules do not prescribe such term of service, he shall hold the position of vice-chairman during the official term for which he is appointed, and said commission may appoint a clerk, who shall not be a member of such commission, and prescribe the duties and term of service and may remove such clerk at pleasure. Such compensation may be paid such clerk for the services performed as shall be fixed by the city council.

Vice-chairman and clerk.

Compensation of clerk.

Powers and duties
of police com-
mission.

SECT. 4. Said commission shall, subject to the provisions hereof, have the management and control of the officers and members of the police department, with power to make such lawful rules for their government and discipline, and for the regulation and repair of the police signal system, and the direction and control of the parties having charge and care thereof as they may deem proper ; it shall be responsible for and have the charge and care of all property belonging to said department, and shall see that the same is maintained in proper manner by a wise expenditure of so much of the annual appropriation as may be necessary, and in their discretion may sell, dispose of, or obtain property used by that department ; but any sale, disposition or purchase of property to an amount exceeding five hundred dollars at any one time or for any one purpose shall not be made without the authority of the city council. All money derived from the sale of such property shall be forthwith paid to the city treasurer and credited by him to said department. The commission shall approve all bills of the department, including the monthly pay roll, which shall state the number of days each member of the department has been absent from duty during the month for which each pay roll is made up, and shall have the power to examine into, approve, or reject the allowance of compensation to members of the police department for absence from duty, other than the time allowed by the ordinances of the city.

Police commis-
sion, meetings,

estimates

and account.

Not to exceed
credit of depart-
ment.

Approval of bills.

SECT. 5. Said commission shall meet at least once a month, and shall annually, in the month of February, prepare and communicate to the committee on finance of the city government an estimate of the amount of money necessary to be raised for the then current fiscal year for the use of the police department, itemized as shall be desired by the finance committee. Said commissioners shall keep an accurate and detailed account of all expenditures, and annually, in the month of December, shall render to the city council an itemized and exact account of the same. They shall not expend any amount nor incur any liabilities or obligations that shall in the aggregate exceed the amount standing to the credit of the department ; and any obligation contracted shall be met out of said amount.

SECT. 6. Before any bill contracted under authority hereof shall be paid by the city treasurer, the items

thereof shall be approved by the written signatures of a majority of said commissioners, by the written signatures of the city auditor and by the mayor by an order for its payment to be drawn upon the treasurer.

SECT. 7. The police department of the city of Springfield shall consist of the aforesaid police commission, city marshal, an assistant marshal, such a number of night and day watchmen, as the city council shall from time to time determine, one of whom shall be the captain of the watch, and as many police officers as such commission may deem necessary, and a reserve police force as hereinafter provided.

Police department, of whom to consist.

SECT. 8. Such commission shall annually, in the month of January, and whenever vacancies occur, elect suitable persons to fill the offices of city marshal, assistant marshal and captain of the watch, and whenever vacancies occur elect within the limits as to number specified in the foregoing section, night and day watchmen, all of whom shall be also police officers, and shall continue in office until their successors are elected and qualified, unless sooner removed. Such commission may also choose, from time to time and for terms not extending beyond the end of the then current municipal year, such police officers as they may deem necessary, and a reserve police force as hereinafter provided; the city marshal and assistant marshal shall have the powers and be subject to the duties of constables.

Police commission to elect other members of department.

Marshal and assistant marshal to act as constables.

SECT. 9. The city marshal may, with the approval of such commission, detail and appoint not more than four night and day watchmen, to be known as sergeants of police. In addition to their duties as sergeants, said sergeants may be detailed to act as roundsmen. The night and day watchmen detailed as such sergeants shall hold said office for a probationary period of six months; at the end of that period they may be appointed to act as such sergeants, subject to removal by the city marshal on approval of such commission. In case of the appointment of one of said sergeants to the position of lieutenant of police as hereinafter provided, the vacancy so created shall be filled in the same manner as an original appointment.

Sergeants, how chosen.

Vacancies, how filled.

SECT. 10. The city marshal may also, with the approval of such commission, detail and appoint one of the aforesaid sergeants to the position of lieutenant.

Lieutenant, how chosen and removed.

The person so appointed shall hold the office of lieutenant for a probationary period of six months, and at the end of that period he may be appointed lieutenant subject to removal by the city marshal on approval of such commission.

Inspectors, how chosen and removed.

SECT. 11. The city marshal may also, with the approval of such commission, detail not more than two night and day watchmen to do special duty and detective work as police inspectors. The city marshal may remove said inspectors from said office at any time, subject to the approval of such commission.

Certain officers to be sworn.

SECT. 12. Before entering upon his duty, each of the officers named in the preceding sections shall be duly sworn to the faithful performance thereof, and the city marshal and the assistant marshal shall also, before entering upon the duties of their respective offices, each give bond for the faithful performance thereof, the city marshal in the sum of two thousand dollars, and the assistant marshal in the sum of fifteen hundred dollars, with sufficient sureties to be approved by the mayor and aldermen.

Marshal and assistant marshal to give bond.

City marshal, powers and duties.

SECT. 13. The city marshal shall have precedence over the assistant marshal, police officers, watchmen, and reserve police officers, whenever engaged in the same service, and they shall at all times, when on duty, be subject to his command and control. He shall, from time to time, make rules and regulations for the government, disposition and management of the night and day watchmen, which shall be in force, provided they are consistent with the laws of the Commonwealth and the ordinances of the city, so long as they shall stand approved by such commission, and not otherwise. He shall report forthwith to such

To report breaches of discipline.

Offenders may be punished, when.

commission any violation of duty on the part of any of his subordinates in the department. Such commission may for cause, after due hearing and except as provided in chapter nineteen of the Revised Laws, punish any night and day watchman, reserve or police officer for insubordination, breach of the rules of the department, or neglect of duty, by fine, reprimand, suspension with or without loss of pay, or discharge, and said marshal may suspend from office for cause any night and day watchman, reserve or police officer, *provided*, that whenever he shall so suspend any such officer he shall forthwith report the fact and cause thereof to such commission, who shall forthwith pro-

City marshal may suspend police officers, *proviso*.

ceed to investigate said charge, and within two weeks shall make known the result of their investigation, and shall continue such suspension, reprimand, discharge from, or reinstate in office, with or without pay during such suspension, the person so suspended.

In continuing this section, the words "for cause" may be construed to mean "inefficiency" or "incapacity."

"For cause" defined.

SECT. 14. The city treasurer shall pay over to the city marshal annually, as soon after his appointment and qualification as said marshal shall request, the sum of two hundred dollars, the same to be paid on the written request of said marshal and the written order of the mayor, and charged to the appropriation for the police department for the then current fiscal year. Said money shall be kept by said marshal apart from his own funds, and as money belonging to the city, and shall be used by him only for the payment of such traveling and other necessary expenses as any emergency may call for, and which must be met at once and without the delay incidental to the approval and payment of bills as provided by ordinance. Whenever any bill or expense shall have been paid out of said fund, such bill or expense shall be approved and paid by the treasurer, in conformity with the existing ordinances, the same as if it had not been paid as aforesaid; and the amount thereof paid by said treasurer shall be paid to said marshal, and placed by him to the credit of and shall become a part of said fund to make good the deficiency caused by said use thereof. Said marshal shall, annually, before the expiration of his term of office, account for and pay over to said treasurer said sum of two hundred dollars, the same to be placed to the credit of said department.

City marshal to be provided with money for emergency expenses.

Emergency bills to be approved.

Money to be returned by marshal.

SECT. 15. It shall be the duty of the city marshal, from time to time, to pass through all the streets, lanes, alleys and courts in the city to observe nuisances, obstructions and impediments, to the end that the same may be removed; to notice all offenses against the laws and ordinances of the city, taking the names of offenders, to the end that they may be prosecuted; to hear all complaints for any breach of the laws of the state or of the ordinances or orders of the city; to cause all offenders to be prosecuted as soon as may be; to obey and execute all commands of the mayor.

City marshal, other duties of; nuisances, etc.;

offenses against laws, etc.;

complaints;

prosecutions;

commands of mayor, etc. and aldermen or such commission in relation to any matter or thing concerning the city, and further, to perform all such other and additional duties as may at any time be prescribed to him by the mayor and aldermen or such commission.

City marshal, watchmen, etc.,

duties of in case of fire.

SECT. 16. It shall be the duty of the city marshal, and such of the watchmen and police officers of the city as may be selected for that service, on the alarm of fire, to repair immediately to the place where the fire may be, and there to use their best skill for the preservation of the public peace, the prevention of theft and of destruction of property, and for the removal of all suspected persons.

Assistant marshal, powers and duties of.

SECT. 17. The assistant marshal, in the absence of the city marshal, shall have all the powers and perform all the duties of the city marshal; and he shall at all times, under the direction of the city marshal, and such commission, aid in the performance of any and all the duties prescribed in the ordinances for the city marshal.

City marshal and other officers to account for and pay over fees, etc., to treasurer.

SECT. 18. The city marshal, the assistant marshal, the night and day watchmen, and all other members of the police department receiving moneys in the discharge of their duties shall, each, quarterly, account for and pay over to the city treasurer all fees which they shall receive for the service of any criminal process, and also all fees which they shall severally receive as witnesses in any and all criminal cases, and all moneys received by them for services in behalf of the city, other than that fixed as their compensation by the city council.

Police signal telegraph to be in charge of superintendent of fire alarm.

SECT. 19. The superintendent of the fire alarm telegraph shall, in addition to his other duties as such superintendent, have supervision and general charge and care of the rooms, apparatus, machinery and fixtures of the police signal telegraph system, and shall be responsible to the city marshal for their perfect order and efficiency. He shall keep an accurate account of all extra labor and material needed for the proper maintenance of said system, and all the expense of said maintenance shall be charged to the account of such commission.

Expense to be charged to police commission.

R. L., ch. 108, sects. 26-28, accepted.

Reserve police force established.

SECT. 20. Sections twenty-six, twenty-seven and twenty-eight of chapter one hundred and eight of the Revised Laws of Massachusetts, relating to establishing a reserve police force, are hereby accepted and a

reserve police force is hereby established for the city of Springfield, in accordance therewith, said sections being as follows :—

“SECT. 26. Any city, except Boston, in which the city council, with the approval of the mayor, accepts the provisions of this and the two following sections or has accepted the corresponding provisions of earlier laws, may establish a reserve police force; and appointments thereto shall be made in the same manner as appointments to the regular police force of said city, subject to such rules as the civil service commissioners may prescribe.

Reserve police force.

“SECT. 27. The number of members of such reserve force shall not exceed five in cities in which the number of members of the regular force does not exceed fifteen. If the number of members of the regular force exceeds fifteen, one member may be added to the reserve force for every three of the regular force above fifteen and not above thirty; one for every five of the regular force above thirty and not above eighty; and one for every ten of the regular force above eighty.

Number of members.

“SECT. 28. The mayor, chief of police or city marshal of a city in which such reserve force is established may assign the members thereof to duty in said city whenever and for such length of time as said mayor, chief of police or marshal may deem necessary; and when on duty the members of said reserve force shall have all the powers and duties of members of the regular police force of said city. The compensation of the members of said reserve force shall be fixed by the city council.”

Powers,

duties,

compensation.

CHAPTER 34.

PROVIDING THE MANNER OF LAYING OUT, ALTERING, AND
DISCONTINUING STREETS ; OF LAYING OUT AND ESTAB-
LISHING SIDEWALKS ; OF LAYING SEWERS AND DRAINS,
AND FOR OTHER PURPOSES.

Section.

1. Applications for new streets, or alteration of existing streets, how and to whom made ; proceedings. Reference to board of public works.
2. Board of public works to view premises, and hear parties interested. Notice of hearing. Views and hearings may be adjourned.
3. Proceedings after hearing. Plans and estimates to be submitted to the city council.
4. Before estimating damages, parties interested may be heard ; notice.
5. Parties interested may have hearing before city council on petition, subject of damages, etc.
6. Members of board of public works may attend such hearings, etc.
7. Order of action ; and proceedings upon reports of board of public works by city council.
8. Betterments, proceedings on orders and petitions concerning.
9. No street to be less than 50 feet in width, except.
10. Streets to conform to following specifications ;
 - A. Plan and profile to be filed ;
 - B. Width and cross section ;
 - C. Stumps, etc., to be removed ;
 - D. Removal of clay, loam, etc. ;
 - E. Excavation to sub-grade, and slopes ;
 - F. Rocks, etc., to be removed ; material for streets and embankments ;

Section.

- G. Material for roadway and sidewalks, tree belts, etc. ;
- H. Curbing ;
- I. Gutters to be paved, when ;
- J. Catch basins, etc. ;
- K. Treatment of corners and angles.
11. Streets constructed after Jan. 1, 1902, not to be accepted unless approved by board of public works.
- 12.—Streets not to be accepted unless sewer is constructed.
- 13.—Avenues, lanes, alleys, places and courts, classified.
- 14.—Sidewalks, proceedings on question of laying or establishing ; notice of hearing, how served, returned, etc.
- 15.—Board of public works to meet and hear parties interested, and report, etc. To cause surveys, plans, etc., to be prepared. To fix time for construction, at least thirty days.
- 16.—Order to construct, notice of, to be given to all abutters ; how served, etc.
17. Supervisors to cause to be built sidewalks ordered, if abutters neglect. Assessment and collection of expense.
18. Main drains and sewers ; proceedings on question of laying. If outside streets, not to be laid without consent of interested parties.
19. Any matter relating to streets, etc., may be referred to board of public works.
20. "Street" includes what.
21. Public attention to be called annually to certain sections.

Applications for
new streets, or
alterations of ex-
isting streets,

SECTION 1. Whenever a new street, or an alteration, widening, change of grade, discontinuance, or location anew of an existing street is wanted in the

city of Springfield, application therefor shall be made by petition in writing to the city council, signed by not less than six inhabitants of said city.

how and to whom made: Proceedings.

The mayor and aldermen shall act first on said petition, and if they deem it best that a view or hearing shall be had thereon, they shall refer it immediately to the board of public works.

Reference to board of public works.

SECT. 2. As soon as may be after any petition mentioned in the preceding section has been referred to them by the mayor and aldermen, the said board shall view the premises, and hear all the parties interested therein, having first given notice of the view and hearing by causing a notice thereof to be served by the city marshal, the assistant marshal, or any regular police officer who may be designated by the mayor and board of aldermen for such duties, seven days at least before the time fixed for said view and hearing, by delivering to each of the owners of land abutting upon such existing or proposed street, and the owners of land upon which said new street is proposed to be laid, an attested copy of said notice, or by leaving the same at the last and usual place of abode of each such owner as may have any such place of abode within the city, known to the officer, and if any such owner has no such last and usual place of abode within the city, known to the officer, then such notice may be left with his tenant or agent, or be posted on or near the premises. All notices mentioned in this section shall contain a copy of the petition, or the substance thereof, and the order of said board thereon, and the said view and hearing may be adjourned from time to time, and from place to place, at the discretion of said board.

Board of public works to view premises and hear parties interested.

Notice of hearing.

Views and hearings may be adjourned.

SECT. 3. After viewing the premises and hearing all parties who may desire to be heard, as provided for in the preceding section, the said board shall report to the city council whether in their opinion common convenience and necessity require the street to be laid out, altered, widened, discontinued, located anew, or the grade thereof changed. And if said board decide in favor, in whole or in part, of such laying out, altering, widening, changing of grade, locating anew, or discontinuing a street or way as hereinbefore provided, they shall, as soon as may be, cause to be prepared a plan and description of such proposed laying out, altering, widening, changing grade, locating anew or

Proceedings after hearing.

Plans and estimates to be submitted to the city council.

discontinuance ; and except in case of discontinuance, shall estimate the probable expense of fitting the same for travel, and at the same time if, in the opinion of said board, damages would be sustained by any person or corporation in their property by reason of such laying out, altering, widening, change of grade, locating anew, or discontinuing of any street they shall estimate the amount thereof, and so far as practicable, the share of each separately, damage for all land and buildings to be estimated with reference to their value before the laying out, altering, widening, locating anew, or discontinuing of the street, and such estimate shall not include any increased value occasioned merely by such laying out, altering, widening, change of grade, locating anew or discontinuance, and all such estimates shall be submitted with their report to the city council.

Before estimating damages parties interested may be heard; notice.

SECT. 4. Before proceeding to estimate the damages as aforesaid, the said board shall give to all parties interested an opportunity to be heard thereon, by causing notice of the time and place of hearing to be served in the manner provided in the second section of this chapter, except that said notices need not contain a copy of the petition or substance thereof as required by said second section.

Parties interested may have hearing before city council on petition, subject of damages, etc.

SECT. 5. At any time after notice of a hearing has been given by the board of public works under said second section, and before final action by the mayor and aldermen upon their report, any party interested may apply in writing to either or both branches of the city council, asking for a hearing before it upon said petition, or upon the subject of damages, or upon anything contained in said report, and thereupon shall be heard thereon in that branch to which the application is made at a time and place which it shall appoint, and of which said applicant shall have due notice. Any hearing appointed under this section shall be open to all interested parties who appear and desire to be heard.

Members of board of public works may attend such hearings, etc.

SECT. 6. Any member of the board of public works may attend any meeting of the mayor and aldermen or common council, while their reports are under discussion, and may make such explanations and oral statements of facts regarding them as he thinks fit.

Order of action and proceedings upon reports of

SECT. 7. Action in the city council upon the report of said board shall first be had by the mayor and alder-

men. And such order in the premises as shall be made by the mayor and aldermen, together with the petition, remonstrances, if any, and all plans, descriptions, and estimates relating thereto, shall be transmitted to the common council; but final action thereon shall not be had in the common council until at least seven days after the passage of the order by the mayor and aldermen.

board of public works, by city council.

SECT. 8. All orders or petitions relating to the assessments of betterments by reason of the laying out of a new street, or any alteration, change of grade, location anew, or discontinuance of an existing street shall, at some time before final action is had thereon, be referred to the board of public works, who shall consider the same, either with or without a hearing, and make report thereon to the mayor and aldermen. The mayor and aldermen shall take such action upon said report, and the subject matter therein contained, as they shall deem best.

Betterments, proceedings on orders and petitions concerning.

SECT. 9. No street or way shall be hereafter laid out, established or accepted as a public street of a less width than fifty feet, unless the same was actually constructed previous to April 1, 1902.

No street to be less than 50 feet in width, except.

SECT. 10. No street or way constructed on private lands after September 16, 1902, shall be laid out, established or accepted as a public street or recommended for such acceptance as a public street, unless previously constructed and completed in accordance with the following specifications:

Streets to conform to following specifications:

A. A plan and profile showing the location and grade of every street or way which it is proposed to lay out and establish as a public street shall be filed with the board of public works by the corporation or individual proposing to open said street, at the time of laying out as a private way and before the same is graded or improved. Such plan and profile shall be drawn to such scale as may be required by the city engineer, and to his approval, and shall show the location and grade of all connecting streets.

Plan and profile to be filed;

B. Every such street or way shall be constructed not less than fifty feet in width, and shall have a roadway of not less than thirty feet in width, and shall be of such cross section as the city engineer may prescribe.

width and cross section;

C. The entire area of every such street or way shall be cleared of stumps, rocks, roots and other unnecessary material, and of all trees not intended for preservation.

stumps, etc., to be removed;

removal of clay,
loam, etc.;

D. All clay, loam and loamy material shall be removed from the limits of the roadway and of the sidewalks, to such a depth as may be approved by the city engineer, and shall be deposited outside the limits of such streets.

excavation to sub-
grade,

E. All work in excavation and embankment shall be brought accurately to a sub-grade, of not less than six inches for the roadway and twelve inches for the sidewalk below the finished grade. All side slopes in excavation and on adjoining land shall be at a ratio to be furnished by the city engineer.

and slopes;

rocks, etc., to be
removed;

F. All rocks and boulders in excavation shall be removed from the street or used in the embankment. All embankments shall be made of loam, clean sand, gravel, cinders, furnace slag, rock or broken stone only. Under no circumstances shall any perishable material be used for the making of streets or street embankments.

material for
streets and em-
bankments;

material for road-
way and side-
walks,

G. A good binding gravel or three grades of macadam, as may be approved by the board of public works, shall be laid above the sub-grade on the roadway and to the finished grade, and clean sand, or such other materials as may be designated by the said board, shall be laid on the sidewalks above the sub-grade and paved to the finished grade with such materials as may be designated by the said board. The tree belt and side slopes adjoining or near the street line shall be covered with good loam at least eight inches in depth and so applied as to insure against slipping.

tree belts, etc.;

curbing;

H. The said board may at its discretion designate such quality, length, depth and thickness of curbing as in their opinion may be necessary to be laid on every such street.

gutters to be
paved, when;

I. The side gutters on every street having a grade of two per cent. or more shall be paved at least three feet wide with stone, concrete or other suitable material as may be approved by the city engineer.

catch basins, etc.;

J. Every street having a continuous grade for more than three hundred feet shall have catch basins and grates at such locations and of such quality, kind and dimensions and so connected with the permanent drainage outlet, as may be approved by the city engineer.

treatment of cor-
ners and angles,

K. All corners of intersecting streets shall be rounded, and granite bounds shall be set at all angles,

curves and corners of connecting streets by the owners of abutting land, and at their expense according to the approval and direction of the city engineer.

SECT. 11. No street or way, constructed after January 1, 1902 on private lands, shall be laid out, established or accepted as a public street by the city of Springfield, unless the location, direction and grade of such proposed street shall have been determined by the board of public works, previous to the construction of said street.

Streets constructed after Jan. 1, 1902, not to be accepted unless approved by board of public works.

SECT. 12. No street or way shall hereafter be laid out, established or accepted as a public street in the city of Springfield unless the sewer or drain therein is constructed in accordance with the directions of, or is approved by the board of public works in regard to the dimensions, materials and grade thereof.

Streets not to be accepted unless sewer is constructed.

SECT. 13. The name avenue shall be given only to the longer and more important streets of the city. All narrow passageways less than twenty-five feet in width shall be called lanes or alleys according to fitness; the longer and more important of them shall be called lanes, and the shorter and less dignified ones shall be called alleys. All blind or dead end streets or passageways shall be known as places or courts.

Avenues, lanes, alleys, places and courts, classified.

SECT. 14. No sidewalk shall be laid out or established unless the question of laying out or establishing shall have been first referred to the board of public works by the city council. Said board shall, as soon as may be, cause a notice of the time and place of the hearing of all parties interested therein to be given to the several owners of land in front of which said sidewalk is proposed to be laid out or established, by the city marshal, assistant marshal, or any regular police officer designated as provided in section two; said notice shall be served seven days at least before the time of said hearing, by leaving an attested copy thereof at the last and usual place of abode of each of said owners, or by delivering the same personally to each owner or the tenant or authorized agent of such owner; and if the owner or owners have no such place of abode in the city, and no tenant or authorized agent known to the officer serving said notice, or if being a resident, he shall not be known as such by said officer, then such copy shall be posted on or near the land in front of which said sidewalk is proposed to be laid out or established seven days at least before the time of

Sidewalks, proceedings on question of laying or establishing.

Notice of hearing how served, returned, etc.

said hearing ; and said officer shall, before the time appointed for the hearing, make a return of his doings thereon, on the original notice, and deliver the same to said board of public works who shall transmit the same to the city council with their report.

Board of public works to meet and hear parties interested and report, etc.

SECT. 15. At the time and place appointed as aforesaid, the said board shall meet and hear all persons and parties interested claiming to be heard, and if deemed necessary or requested thereto, shall proceed to view the premises ; and they shall thereafter report to the city council whether common convenience and necessity require that said sidewalk be laid out or established. If they report in favor thereof, in whole or in part, they shall cause all necessary surveys, plans and profiles to be made, indicating the height, width, and grade of the proposed sidewalk, and the materials of which it shall be constructed. And if the said board deem it proper that the construction, as well as the laying out of the proposed sidewalk should be ordered, their report shall also state the time within which the same shall be completed, which time shall be at least thirty days.

To cause surveys, plans, etc., to be prepared.

To fix time for construction, at least thirty days.

Order to construct, notice of to be given to all abutters ;

SECT. 16. When the city council have ordered a sidewalk to be constructed and completed within a certain time, notice thereof shall be given by the city clerk to the owners of land in front of which said sidewalk is proposed to be constructed, which said notice shall be served, returned, filed and preserved in the office of the city clerk for future reference.

how served, etc.

Supervisors to cause to be built sidewalks ordered, if abutters neglect ;

SECT. 17. Whenever any sidewalk, or any portion thereof, which has been laid out, established, and ordered by the city council, to be constructed, after notice to the owners of real estate, as is provided in the preceding section, shall not be completed within the time fixed in the order aforesaid, the board of supervisors of highways and bridges shall cause said sidewalk to be constructed according to the original order, and the expense thereof shall be assessed by the city council upon the persons owning the lands in front of which said sidewalk is constructed ; and the sums so assessed shall be a lien upon said lands, for the term of two years from said assessment. The city clerk shall certify such assessment to the tax collector, who shall forthwith demand payment thereof, and proceed to collect the same as provided for the collection of taxes or other claims due the city.

assessment and collection of expense.

SECT. 18. No main drain or sewer shall be laid or made, unless the question of such laying or making shall first be referred to the board of public works, who shall report to the mayor and aldermen an estimate of its cost, the materials of which, and the manner in which the same should be laid or made and an estimate of the damages likely to be occasioned by taking land or water courses, and if the sewer or drain or any portion thereof shall be outside the limits of the streets, it shall not be laid otherwise than by the consent of all persons interested, without the same proceedings being had thereon as are hereinbefore provided in cases of laying out streets.

Main drains and sewers; proceedings on question of laying.

If outside streets, not to be laid without consent of interested parties.

SECT. 19. The mayor and aldermen and common council may, from time to time, as they may deem best, refer to the board of public works, any matter relating to streets, sidewalks, bridges, sewers and drains, parks, squares, and public places, and thereupon it shall become the duty of said board, without delay, to consider the matter so referred and make report thereon.

Any matter relating to streets, etc., may be referred to board of public works.

SECT. 20. The word street in this chapter shall include highways, town ways, lanes, and alleys.

"Street" includes what.

SECT. 21. The board of public works shall annually in the month of March publicly call attention to the terms of sections nine to twelve inclusive of this chapter and sections eleven and twelve of chapter thirty-six.

Public attention to be called annually to certain sections.

CHAPTER 35.

ESTABLISHMENT OF BUILDING LINES.

Section.

1. Section 103 of chapter 48 of Revised Laws, accepted. | Laws, § 103. Building line may be established ; damages.

R. L., ch. 48, sect.
103, accepted.

SECTION 1. Section one hundred and three of chapter forty-eight of the Revised Laws is hereby accepted, which section is as follows :—

Building line may
be established ;

“SECTION 103. If the city council of a city or if a town accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, a building line parallel to, and not more than twenty-five feet distant from, the exterior line of a highway or town way may be established in the manner provided for laying out ways, and thereafter no structures shall be erected or maintained between such building line and such way, except steps, windows, porticos and other usual projections appurtenant to the front wall of a building, to the extent prescribed in the vote establishing such building line. Whoever sustains damage thereby shall have the same remedies therefor as for damages sustained by the laying out of a town way.”

damages.

CHAPTER 36.

SEWERS.

Section.

1. Superintendent of streets to be superintendent of sewers.
2. To have superintendence of main drains, common sewers, and charge of building same ; to make contracts.
3. To keep account of cost and make report of work and expenditures annually.
4. To build or lay common sewers. City engineer to determine grade and make measurements.
5. Opening of streets, not to interfere with common sewers. Removal of pipes interfering with sewers.
6. No one to dig up streets, etc., for sewer purposes, except superintendent, etc. Penalty.
7. City engineer to inform superintendent as to grades of sewers.
8. Plans of common sewers to be made and kept by city engineer ; entries to be minuted thereon.
9. Common sewers to be laid in center of streets ; materials and dimensions.

Section.

10. Private drains in streets when connected with public, to be city property ; prerequisites to such connection.
11. Sewers to be laid only in certain streets ; *Exception* on recommendation of board of public works.
12. Private sewers in private streets.
13. Private drains in streets and entrances into mains, by whom to be constructed, etc.
14. Land owner, etc., may be compelled to enter sewer, when ; owner, etc., to be notified. Penalty for neglect to comply.
15. Private connecting with main drains, how built, etc.
16. Private drains not to be entered into main without permit from mayor and aldermen.
17. Steam, not to be exhausted into main drains, etc. Penalty.
18. Superintendent to inspect buildings, cause to be prosecuted, etc.

SECTION 1. The superintendent of streets shall be superintendent of sewers.

SECT. 2. The superintendent of sewers shall, under the direction of the mayor and aldermen, take the general superintendence of all main drains and common sewers, built or permitted to be built or owned by the city, and of all connections built under provisions of this chapter, and take charge of the building, repairs, and keeping in order of the same, and shall, when instructed to do so by the mayor and aldermen, make all contracts for the supply of labor and materials therefor.

SECT. 3. The superintendent of sewers shall keep and submit to the mayor and aldermen an accurate account of the cost of constructing each main drain or common sewer, and of all other expenses in relation

Superintendent of streets to be superintendent of sewers.

To have superintendence of main drains, common sewers and charge of building same ;

to make contracts.

To keep account of cost and make report of work and expenditures annually.

thereto, and he shall annually, in December, submit a report of all work performed, and the amount of all expenditures for sewers and drains.

To build or lay
common sewers.

SECT. 4. The superintendent of sewers shall build or lay all common sewers or drains to the grade determined by the city engineer, and before connecting any private drain with any main drain or sewer he shall notify the city engineer of his intention so to do, and of the time when he will have the same in proper condition for the necessary measurements to be taken to locate the connection; and it shall be the duty of the city engineer to take said measurements so as not to hinder the work.

City engineer to
determine grade
and make meas-
urements.

Opening of streets
not to interfere
with common
sewers.

SECT. 5. Whenever any street shall be opened for the laying of pipes for water, gas, or other purposes, or for the prosecution of any works of construction or repairs, said laying of pipes and repairs and work connected therewith, or such work of construction shall be executed so as not to obstruct the course, capacity, or construction of a common sewer or drain, and whenever pipes for any purpose or any work of construction shall hereafter be found to exist at such depth or in such location as to interfere with any existing sewer or with the building of any common sewer of the required size and at the proper depth and grades, the department, corporation, company, or individual, as the case may be, maintaining the same shall, upon notice thereof, at once remove, change, and alter said pipe or pipes, or other works in such manner as the superintendent of sewers may direct. If such department, corporation, company, or individual neglects to immediately remove, change, or alter such pipe or pipes in accordance with the terms of notification, then the superintendent of sewers may make such removal, change, or alteration, and the cost thereof shall be paid by such corporation, company, or individual.

Removal of pipes
interfering with
sewers.

No one to dig up
streets, etc., for
sewer purposes,
except superin-
tendent;

penalty.

SECT. 6. No person other than the superintendent of sewers, or his employees acting under his directions, shall be allowed to dig up any street or open any main drain or sewer for any purpose whatever, connected with any sewer, or connect the same with a private drain; and any person who shall violate the provisions of this section shall forfeit and pay a penalty of not more than twenty dollars for each and every offense.

SECT. 7. The city engineer shall furnish the superintendent of sewers with suitable information of the proposed grade of sewers at points not over fifty feet apart on the line of the sewers.

City engineer to inform superintendent as to grades of sewers.

SECT. 8. The city engineer, whenever any common sewer is built, shall make a plan of the same, showing the form, mode of construction, depth below the surface, relation of the grade line to the city base, and the general direction of the sewer relatively to the street lines or neighboring property; and insert said plan in a book to be kept in his office for that purpose; and shall also minute on said plans all entries into any common sewer of which a plan exists.

Plans of common sewers to be made and kept by city engineer;

entries to be minuted thereon.

SECT. 9. All common sewers which shall be ordered by the mayor and aldermen in any street or highway shall be laid out as nearly as is practicable in the center of such highway, and shall be built of such materials and of such dimensions as the mayor and aldermen shall direct.

Common sewers to be laid in center of streets;

materials and dimensions.

SECT. 10. All sewers and drains laid by private parties in any street, court, or way, opened or proposed to be opened for public travel and accommodation, shall be the property of the city when connected with a public sewer, and no such sewer or drain shall hereafter be connected with a public sewer unless it be of such size, material, construction, and depth, and in such location as the city engineer may direct so far as it is within the lines of such street, court, or way; nor until the owners thereof shall, in writing, convey to the city exclusive control over the same with the right to enter such court, street, or way, and dig up the same so far as necessary for repairing and controlling said sewer or drain, and making connections therewith.

Private drains in streets when connected with public, to be city property;

prerequisites to such connection.

SECT. 11. No sewer or drain, except a trunk sewer when required by the conformation of the land, shall be laid by the city of Springfield in any street or way, unless such street or way has been or is to be laid out and constructed in accordance with the provisions of sections nine to twelve, inclusive, of chapter 34; *provided*, however, that on recommendation of the board of public works, setting forth that public necessity requires the building of a sewer or drain in a private street or way not so laid out and constructed, the city council may, if such sewer or drain has been petitioned for as required by the ordinances of the city, order such sewer or drain laid in such street or way.

Sewers to be laid only in certain streets;

Exception on recommendation of board of public works.

Private sewers in private streets.

SECT. 12. No connection shall be made between any private drain or sewer in any private street or way and any sewer of the city of Springfield, unless such street or way has been or is to be laid out and constructed in accordance with the provisions of sections nine to twelve inclusive of chapter 34; *provided*, however, that on recommendation of the board of public works setting forth necessity therefor the board of aldermen may order a sewer or drain, in a street or way not so laid out or constructed to be connected with a sewer in a public street on such terms and conditions as said board of aldermen may deem advisable.

Private drains in streets and entrances into mains, by whom to be constructed, etc.

SECT. 13. The construction of all private drains within the street limits, and all entrances into any main drain or common sewer shall be performed by the superintendent of sewers, and all material therefor shall be furnished by the city, and the cost thereof and of the labor of laying the same shall be included in the sum paid for the permit of entry.

Land owner, etc., may be compelled to enter sewer, when;

SECT. 14. The mayor and aldermen and the board of health shall each have power, in all cases where there is a public sewer in any street or highway of the city, to cause every owner of land adjoining such street or highway, his agent or tenant, to make, subject to the provisions of this chapter, a sufficient drain from his house, yard, or lot, to and into such sewer, whenever, in the opinion of either of said boards, the same shall be necessary for the protection of the public health; and shall, thereupon, give such owner, agent, or tenant notice in writing, specifying the time within which such drain shall be constructed, its size and form, and the materials of which it shall be constructed, and either of said boards may, whenever, in their opinion, the protection of the public health requires, prohibit the maintenance of any privy or cesspool on any premises connected with a public sewer. Any person who neglects to build a drain under the provisions of this section within the time specified in said notice to do so, or maintains a privy in violation of such prohibition, shall forfeit and pay a penalty of not more than twenty dollars for each and every offense.

owner, etc., to be notified.

Penalty for neglect to comply.

Private connecting with main drains, how built, etc.

SECT. 15. All private drains hereafter connected with any main drain or sewer must be built and constructed, and all private drains connected with any

main drain or sewer must be maintained and the sewer protected, according to the rules and regulations for sewers and drains.

SECT. 16. No private drain shall be entered into any main drain or common sewer without a permit in writing from the mayor and aldermen, which permit and application therefor must be of the form prescribed in the rules relating to sewers and drains adopted by the mayor and aldermen, and all persons to whom such permit shall be granted shall pay therefor such sum, not less than fifteen dollars, as the mayor and aldermen shall determine.

Private drains not to be entered into main without permit from mayor and aldermen.

SECT. 17. It shall be unlawful for any person or corporation, or the employee of any person or corporation, to use any main drain or sewer as a place into which to exhaust steam from any boiler, engine, or heating apparatus, or to exhaust steam therein by allowing steam to pass directly or indirectly from any boiler, engine, or heating apparatus into any main sewer or drain. Any person who shall violate the provisions hereof shall be punished by a fine of not more than twenty dollars for each and every offense.

Steam not to be exhausted into main drains, etc.

SECT. 18. It shall be the duty of the superintendent of streets and sewers to inspect all buildings in which steam is used for power or for heating purposes, and to cause to be prosecuted all persons who shall be found violating the provisions of this chapter.

Penalty.

Superintendent to inspect buildings, cause to be prosecuted, etc.

CHAPTER 37.

FOR THE PREVENTION OF INJURIOUS PRACTICES IN
THE STREETS.

Section.

1. Streets, etc., not to be dug up or obstructed without license; statement to be filed annually, showing work proposed to be done.
2. When streets, etc., are dug up or obstructed, railings or fences and lights to be put up and kept around the places obstructed. Streets to be afterward repaired.
3. Awnings over streets and sidewalks not to be maintained unless eight feet above sidewalk, etc.; nor without permission of mayor, etc.; permission revocable.
4. Signs, flags, merchandise, etc., not to be suspended over sidewalks or streets, unless, etc.; nor without permission of mayor; permission revocable.
5. House dirt, etc., not to be placed in streets; handbills, etc., not to be distributed in streets, except.
6. Articles liable to puncture tires or impede vehicles, not to be in streets.
7. Firewood, etc., not to remain on sidewalk over night, etc.; if necessarily left, light to be kept.
8. Certain animals not to be at large, or depastured, in the streets, etc.
9. Driving in streets, restrictions as to; exceptions.
10. Vehicles for conveyance of articles for hire, not to stand for orders in streets, etc., except in places assigned by mayor and aldermen. Mayor and aldermen may license and assign stands for. License revocable.
11. Vehicles for conveyance of persons for hire, not to stand for orders in streets, etc., except in places assigned. City marshal shall assign stands for such vehicles; license revocable.

Section.

12. Vehicles used for selling goods, etc., where may not and may stand. With wood, person in charge must have certificate of quantity.
13. Vehicles not to be driven on sidewalks, etc.; except children's hand carriages.
14. Teams not to obstruct by standing across streets, sidewalks, or crosswalks, nor to stop on crosswalks.
15. Cattle not to be allowed to go on sidewalks, except to cross.
16. Sidewalks, etc., not to be obstructed.
17. Buildings not to be moved through streets without license from supervisors, and filing agreement to comply with license and indemnify city.
18. Snow and ice not to be thrown into streets unless broken up, etc.
19. Wood sawing or piling on sidewalk prohibited.
20. Gaming tables, etc., and gaming in streets prohibited.
21. Booths, etc., for sale of anything in streets prohibited.
22. Firearms not to be discharged in streets, etc., except.
23. Fireworks, bonfires, etc., setting fire to without license prohibited.
24. Fences, guideposts, signboards, awnings, etc., not to be defaced.
25. City lamps not to be lighted or extinguished without permission.
26. Trees not to be cut down, etc., without permission; animals not to be fastened to.
27. Street dirt, etc., restriction as to removal of.
28. Disorderly conduct, indecent or profane language in streets forbidden.
29. Indecent exposure in bathing, etc., prohibited.
30. Sink or impure water not to be allowed to run into streets, etc.

Section.	Section.
31. Gates or doors not to swing over streets, etc.	42. Snow, collected by drifting, etc., to be removed from sidewalks.
32. Auction sales, restriction as to holding on sidewalks, etc.	43. Ice, encumbering sidewalks, to be removed or covered with sand.
33. Ringing bells, uttering boisterous outcry, etc., prohibited in street without license.	44. Water from eaves or leader pipes not to be discharged upon street or sidewalk. Water from washing windows or walls not to be discharged on street within certain hours.
34. Privy vaults and cesspools, restrictions as to carrying contents of through streets.	45. No person to sprinkle streets with wagon or cart without license; mayor and aldermen may issue such licenses; revocable.
35. Restrictions as to congregating to the obstruction of sidewalks, etc.	46. Coverings in sidewalks to be licensed. Bond to be given.
36. No person to obstruct steps or passages of churches, etc., by standing thereon. Persons so obstructing to move on when ordered.	47. Conditions under which coverings may be maintained; revocation of license.
37. Ball playing, kite and balloon flying, and missile throwing in streets prohibited.	48. Children under 16 not to loiter, etc., on streets, etc., after 9.30 P. M., <i>except</i> . Alarm to be sounded at 9.30 P. M.
38. Missiles, projecting by air pipes, in or into streets, etc., prohibited.	49. Penalty for violation of sect. 48, and powers of police thereunder.
39. Coursing, coasting, etc., on any sidewalk forbidden. Coasting, etc., in certain streets prohibited.	50. Penalty for violations of provisions of this chapter.
40. Wheeled vehicles, restrictions as to use of in streets, named in section 39. Bicycles, tricycles and automobiles excepted in certain cases.	51. Limitation of prosecutions.
41. Snow to be removed from sidewalks.	52. City marshal, etc., to enforce provisions of this chapter.

SECTION 1. No person, except the superintendent of streets, in the performance of his duties, shall break or dig up the pavement or ground in any public street, or any sidewalk or ground in any public street, or any sidewalk or common in the city, or erect any staging for building thereon, or place any materials or rubbish thereon, without first obtaining from the board of supervisors of highways and bridges a written license stating the space in the street or other public place that may be occupied, and the time allowed for such occupancy, and such other provisions as they may deem best, and filing with the city clerk a written agreement under seal, approved by said supervisors, to comply strictly with the terms of the license and indemnify the city from all loss, cost, or expense that it may suffer by reason of such occupancy. And all persons or corporations shall, on or before May first of each year, file a statement with the superintendent of streets showing the work proposed to be done by them during the ensuing year.

Streets, etc., not to be dug up or obstructed without license.

Statement to be filed annually showing work proposed to be done.

When streets, etc., are dug up or obstructed, railings or fences and lights must be put up and kept around the places obstructed.

Streets to be afterward repaired.

Awnings over streets and sidewalks not to be maintained unless seven feet above sidewalk, etc.;

nor without permission of mayor and aldermen;
permission revocable.

Signs, flags, merchandise, etc., not to be suspended over sidewalks or streets, unless, etc.;

nor without permission of the mayor, etc.;

permission revocable.

SECT. 2. Whenever any street, lane, alley, or sidewalk or other public place in the city, shall, under any license granted as provided in the preceding section, be dug up, obstructed, encumbered, or otherwise thereby rendered unsafe or inconvenient for travel, the person so licensed shall put, and at all times keep up, a suitable railing or fence around the section of the street, lane, alley, or other public place so obstructed, so long as the same shall be or remain unsafe or inconvenient as aforesaid, and shall also keep one or more lighted lanterns fixed to such fence or fixed in some other proper manner, every night from twilight in the evening through the whole night, so long as such railing or fence shall be kept standing or obstruction remain. He shall also within such reasonable time as the board of supervisors of highways and bridges shall direct, amend and repair such street, lane, or alley, sidewalk, or public place, to the acceptance of the superintendent of streets.

SECT. 3. No person shall place or maintain any awning or shade over any part of any street or sidewalk, unless the same be safely and securely fastened, and so located and constructed as in no wise to inconvenience passengers, the lowest part thereof to be at least seven feet above the sidewalk, and in no case to extend beyond the line thereof. No such awning or shade shall be placed or maintained without written permission from the mayor and aldermen, which permission shall be revocable, and any person having such permission, so placing or maintaining the same, shall in all respects conform to any direction in relation to the location, extent, materials, construction, and maintenance thereof which shall be given by the mayor and aldermen.

SECT. 4. No person shall suspend or display, or cause to be suspended or displayed, any sign, flag, article of merchandise or any other thing over any sidewalk or street in the city, unless the lowest part thereof be at least eight feet above the sidewalk or street, and no such sign, flag, article of merchandise or other thing shall be so suspended or maintained, or displayed or maintained on any street or sidewalk without written permission from the mayor and aldermen, which permission shall be revocable, and any person having such permission and so suspending or displaying the same, shall in all respects conform to

any directions in relation to the location, extent, construction and maintenance thereof which shall be given by the mayor and aldermen.

SECT. 5. No person shall put or place, or cause to be put or placed, in any street, lane, or alley, or other public place in the city, any house dirt, ashes, filth, shells, or other kind of rubbish, or distribute or cause to be distributed, or throw or cause to be thrown, any handbills, circulars, pamphlets, advertisements, or other papers except newspapers to purchasers thereof.

House dirt, etc., not to be placed in streets; handbills, etc., not to be distributed in streets, except.

SECT. 6. No person shall put, place or throw, or cause to be put, placed or thrown, in any street, lane or alley, or other public place in the city, any nails, tacks, broken glass or other articles or substances which may in any way be liable to puncture the tire of any vehicle, or which may in any way impede or obstruct the passage of any vehicle over said street, lane, alley or place.

Articles liable to puncture tires or impede vehicles not to be in streets.

SECT. 7. No person shall suffer his firewood, coal, or other fuel to remain unnecessarily on any sidewalk, or in any street, lane, or alley in the principally inhabited parts of the city, over night or after twilight in the evening, and in case it must of necessity so remain after twilight or through the night, the said owner shall place and keep a sufficient light over or near the same through the night, to prevent injury therefrom.

Firewood, etc., not to remain on sidewalk over night, etc.;

if necessarily left, light to be kept.

SECT. 8. No person shall permit any sheep, goat, swine, mule, ass, horse, or neat cattle belonging to him or under his control, to go at large or depasture in any street, lane, or alley, or on any common in the city.

Certain animals not to be at large or depastured in streets, etc.

SECT. 9. No person shall drive any horse or horses in any street, lane, or highway in the city, at a rate of speed exceeding eight miles per hour, except at such times and places as the supervisors of highways and bridges may direct, said supervisors to notify the police department of the time and place selected, nor in such manner as to endanger or unreasonably incommode any person passing therein.

Driving in streets, restrictions as to; exceptions.

SECT. 10. No owner, driver, or other person having charge or control of any vehicle used for the purpose of conveying from place to place within said city, for hire, any wood, coal, lumber, stone, brick, sand, gravel, clay, dirt, rubbish, goods, wares, furniture, or merchandise, shall stand or wait with any such vehicle, for orders or employment, or permit any

Vehicles for conveyance of articles for hire, not to stand for orders in streets, etc., except in places assigned by mayor and aldermen.

- such vehicle, so under his charge or control, to stand for orders in any street, square, lane, court, or public way or public place within said city, other than such stands as may be assigned by the mayor and aldermen.
- Mayor and aldermen may license and assign stands for.** And the mayor and aldermen may from time to time grant licenses to such persons and upon such terms as they may deem proper, to employ or use any such vehicle, for the purpose aforesaid, and may designate places within the city as public stands for such vehicles to occupy while awaiting orders or employment.
- License revocable.** Whoever being so licensed wantonly violates the provisions of this section shall in addition to the penalty hereinafter, in this chapter, provided, have his license forthwith revoked by said mayor and aldermen.
- Vehicles for conveyance of persons for hire, not to stand for orders in streets, etc., except in places assigned.** SECT. 11. No owner or driver or other person having the charge or control of any vehicle licensed for the conveyance of persons, for hire, shall permit such vehicle to stand or wait, except when waiting for the return of a passenger temporarily absent, on any part of any street, square, lane, court, or public way or public place, within said city, other than the stand which may be assigned therefor under the provisions of this section. The city marshal shall from time to time assign to the owners or persons having the charge or control of such licensed vehicles stands in such streets or public places as he may select, for the occupation of such vehicles while awaiting hire; and any person violating the provisions of this section, shall, in addition to the penalty hereinafter in this chapter provided, have his license forthwith revoked by the mayor and aldermen.
- City marshal shall assign stands for such vehicles;**
- license revocable.**
- Vehicles used for selling goods, etc., where may not, and where may stand.** SECT. 12. No person shall stand with any wagon, cart, or other vehicle, for the purpose of selling goods, wares, merchandise, or produce therefrom upon Main street between Central street and Carew street, or within five hundred feet of said Main street upon any street leading therefrom between said Central street and Carew street. *Provided*, however, that any person may stand with such cart, wagon, or other vehicle loaded with fruit, provisions, wood, hay, or straw, for such purpose on the southerly side of Court street, the northerly side of Elm street, and the easterly side of the street west of Court square, as said square existed prior to the extension thereof to Water street, in such order and in such manner as the city marshal or assistant marshal may direct; and, *provided further*,

that no person shall stand in said streets, with any such cart, wagon, or other vehicle loaded with wood for the sale thereof, without first having procured a certificate from a competent measurer of wood and bark, of the quantity of his load.

With wood, person in charge must have certificate of quantity.

SECT. 13. No person shall drive, wheel, draw, or push any cart, wheelbarrow, or other vehicle of burden or of pleasure, upon or along any sidewalk in the city, except for the purpose of crossing such sidewalk to go to or out of some adjoining inclosure ; *provided*, this section shall not apply to children's carriages drawn by hand.

Vehicles not to be driven on sidewalks, etc., except children's hand carriages

SECT. 14. No person shall stand with or permit any team under his care or control to stand across any public highway or street in such a manner as to obstruct the travel over the same, and no person shall stop with any team in any public street at the side of or so near to another team as to obstruct public travel, and no person shall stop with any team or carriage upon or across any crosswalk in any street or highway in the city.

Teams not to obstruct by standing across streets, sidewalks, or cross-walks; nor to stop on cross-walk.

SECT. 15. No person shall permit any goat, sheep, swine, horse, mule, ox, or cow, under his care, to go upon any sidewalk in the city, except for the purpose of crossing such sidewalk to go to or from some adjoining inclosure.

Cattle not to be allowed to go on sidewalks, except to cross.

SECT. 16. No person shall place or cause to be placed in or on any public way or street, or on any sidewalk, or footwalk, or crosswalk in the city, any article or thing whatsoever, so as to interfere with the convenient use of the same by any person traveling thereon.

Sidewalks, etc., not to be obstructed.

SECT. 17. No person shall move or cause to be moved any building through any public street in the city, without first obtaining from the supervisors of highways and bridges a written license therefor, stating the streets through which, and the time within which, the building may be moved, and any other provisions they may deem best, and filing with the city clerk a written agreement under seal, approved by said supervisors, to comply with the terms of the license and indemnify the city for all loss, cost, or expense it may suffer by reason of the moving of such building.

Buildings not to be moved through streets without license from supervisors,

and filing agreement to comply with license and indemnify city, etc.

SECT. 18. No person shall throw or put, or cause to be thrown or put, any snow or ice into any street, lane,

Snow and ice not to be thrown into

streets unless
broken up, etc.

or alley in the city, unless the same shall be broken up and spread evenly over the surface of such street, lane, or alley.

Wood sawing or
piling on side-
walk prohibited.

SECT. 19. No person shall saw any wood or pile the same on the sidewalk of any street or way in the city.

Gaming tables,
etc., and gaming
in streets pro-
hibited.

SECT. 20. No person shall expose in or upon any street, lane, alley, public place, or common in the city, any table or device of any kind, by or upon which any game of hazard or chance can be played; nor shall any person play any such game at such table or device, in or upon any street, lane, alley, public place, or common in the city.

Booths, etc., for
sale of anything in
streets prohibited.

SECT. 21. No person shall place, or keep any table, stall, booth, or other erection, in any street, lane, alley, or public place, or on any square or sidewalk, in the city, for the sale of fruit or other things.

Firearms not to be
discharged in
streets, etc.,
except.

SECT. 22. No person shall discharge any gun, pistol, or other firearm, in any of the streets, highways, public squares, or commons in the city; *provided*, this section shall not apply to the use of such weapons in the lawful defense of the person, family, or property of anyone, or in the performance of any duty required by law, nor to the firing of a salute of cannon or artillery by permission of the mayor and aldermen.

Fireworks, bon-
fires, etc., setting
fire to without
license, pro-
hibited.

SECT. 23. No person shall set fire to any rocket, cracker, squib, serpent, or other fireworks, or make any bonfire in any street, lane, highway, public square, or common in the city, without a license from the mayor and aldermen.

Fences, guide-
posts, signboards,
awnings, etc., not
to be defaced, or
placarded.

SECT. 24. No person shall wantonly mar, injure, deface, or destroy any fence, guidepost, signboard, awning, lamp-post, lamp, or lantern in any street, square or public place in the city, or affix any sign, card, or other advertising matter, or attach any iron ring to any such lamp-post.

City lamps not to
be lighted or
extinguished
without permis-
sion.

SECT. 25. No person shall light or extinguish any city lamp in any street, square, or public place in the city, except by permission of the mayor and aldermen.

Trees not to be
cut down, etc.,
without permis-
sion;

SECT. 26. No person shall cut down, remove, injure, or destroy any fruit, shade, or other tree, growing or being in any public street, lane, alley, common, or other public ground in the city, without the permission of the mayor and aldermen. And no person shall fasten any horse or other animal to any such tree.

animals not to be
fastened to.

SECT. 27. No person shall remove any street dirt or manure from any public street, lane, or alley in the city, without authority from the superintendent of streets.

Street dirt, etc., restriction as to removal of.

SECT. 28. No person shall loiter or behave himself in a rude and disorderly manner, or use any indecent or profane language in any street, lane, alley, or other public place in the city.

Disorderly conduct, indecent or profane language, in streets forbidden.

SECT. 29. No person shall swim or bathe in any pond, stream, or river in the city, divested of clothing so as to be indecently exposed to the view of any person lawfully passing or being in or upon any street, lane, alley, common, square, railroad, or other public place within the city.

Indecent exposure in bathing, etc., prohibited.

SECT. 30. No person shall allow any sink water or other impure water, to run from any house, barn, or lot occupied by him or under his control, into any street or highway in the city.

Sink water, etc., not to be allowed to run into streets, etc.

SECT. 31. No person shall allow any gate or door belonging to premises owned or occupied by him or under his control, to swing on, over, or into any street or sidewalk in the city.

Gates or doors not to swing over streets, etc.

SECT. 32. No auctioneer shall hold his sale upon any sidewalk or other thoroughfare in the city, so as to obstruct or prevent the free and convenient use of the same by foot passengers traveling thereon.

Auction sales, restriction as to holding on sidewalks, etc.

SECT. 33. No person shall ring or cause to be rung any bell, or use or cause to be used any horn or other instrument, or utter any boisterous outcry in any street in said city to give notice of any business or calling, or to call attention for the purpose of making sale of any article, unless thereto duly licensed by the mayor and aldermen.

Ringling bells, uttering boisterous outcry, etc., prohibited in street without license.

SECT. 34. No person or persons shall at any time whatsoever carry into or through any public street of the city, any part of the contents of any privy vault or cesspool, in any cart, wagon, or other vehicle, or utensil which shall not be closely covered, water-tight and kept clean upon the outer surface.

Privy vaults and cesspools, restrictions as to carrying contents of through streets.

SECT. 35. Three or more persons shall not stand together or near each other in any street, or on any foot walk or sidewalk in the city, so as to obstruct the free passage for foot passengers, and any person or persons so standing shall move on immediately after a request so to do, made by the mayor, city marshal, or any police officer, or watchman.

Persons, restrictions as to congregating to the obstruction of sidewalks, etc.

No person to obstruct steps or passages of churches, etc., by standing thereon.

Persons so obstructing, to move on when ordered.

Ball playing, kite and balloon flying, and missile throwing in streets, prohibited.

Missiles, projecting by air pipes, in or into streets, etc., prohibited.

Coursing, coasting, etc., on any sidewalk forbidden.

Coasting, etc., in certain streets, prohibited.

Wheeled vehicles, restrictions as to use of in streets named in section 39.

SECT. 36. No person shall be or remain upon the steps of, or other projection from, any church, hotel, hall, or public building, nor in any hall, space, or way leading thereto, so as to incommode or obstruct the passage to and from such church, hall, hotel, or building. And every person so being or remaining, when ordered by the mayor, city marshal, police officer, watchman, owner, agent, or other person having charge of said church, hotel, hall, or other public building, shall immediately depart therefrom.

SECT. 37. No person shall, within the limits of any street or highway in the city, play at any game of ball, or fly any kite or balloon, or throw any stone or other missile, or engage in any other game, amusement, or exercise interfering with free, safe, and convenient use of such street or highway by any person traveling or passing along the same.

SECT. 38. No person shall project by means of any air pipe, blow pipe, air gun, pop gun, spring gun, bow gun, or cross bow, any missile or substance whatsoever in or into any public street, highway, court, square, park, avenue, or place within the city.

SECT. 39. No person shall course, coast, or slide upon any sled, board, or other thing, upon any sidewalk or footwalk in the city. No person shall course, coast, or slide on any sleigh, sled, or any other vehicle, in, along, or upon the streets and portions of streets hereinafter named, to wit: State street; Maple street, from State street to Pine street; Chestnut street; High street; Union street; Central street, east of Maple street; Mill street; Fort Pleasant avenue; Locust street; Belmont avenue; Pearl street, from Byers street to Chestnut street; Harrison avenue; Sharon street about five hundred feet westerly from Chestnut street; and Worthington street; nor upon portions of streets at Indian Orchard, hereinafter named, to wit: Oak street, from Berkshire street to Main street; Hampden street, from Myrtle street to Oak street; Worcester street, from Myrtle street to Oak street.

SECT. 40. No persons, except invalids, or lame, or otherwise disabled persons, shall put in motion, or use in motion, any wheeled vehicle, in, along, or upon any of the streets, or portions of streets designated in section thirty-nine of this chapter unless such vehicle shall be propelled by some beast attached thereto, or

drawn or pushed by some person on foot. This section shall not apply to the use of bicycles, tricycles, motor cycles or automobiles.

Bicycles, tricycles, motor cycles and automobiles excepted.

SECT. 41. The tenant, occupant, and in case there be no tenant the owner or person having the care of any estate abutting upon any street, lane, court, or square within the city, where there is a sidewalk which now is or may hereafter be established or set apart as such, shall, after the ceasing to fall of any snow thereon, within twenty-four hours cause the same to be removed therefrom.

Snow, falling, to be removed from sidewalks.

SECT. 42. Whenever any snow shall be collected or deposited upon any sidewalk mentioned in the preceding section, either by falling from some adjoining building or by drifting upon said sidewalk, the tenant, occupant, and in case there be no tenant the owner or person having the charge of the estate abutting upon said sidewalk, shall within twenty-four hours after its being so collected or deposited cause the same to be removed therefrom.

Snow, collected, by drifting, etc., to be removed from sidewalks.

SECT. 43. Whenever any sidewalk mentioned in the forty-first section of this chapter shall be encumbered with ice, it shall be the duty of the tenant, occupant and in case there be no tenant the owner or person having the care of the estate abutting thereon, to cause such sidewalk to be made safe and convenient for travel, by removing the ice therefrom, or by covering the same with sand or some other suitable substance, within twenty-four hours after such sidewalk shall have become so encumbered.

Ice encumbering sidewalks to be removed or covered with sand.

SECT. 44. No person shall permit water from the eaves or leader pipes of any building owned or cared for by him to be discharged upon any public street or sidewalk in the city, and no person, between the hours of eight o'clock in the morning and ten o'clock in the evening, shall wash or allow to be washed any windows or wall of a building owned or cared for by him in such a manner as to cause the discharge of water upon any public sidewalk or walk devoted to the public use.

Water from eaves or leader pipes not to be discharged upon street or sidewalk.

Water from washing windows or walls not to be discharged on street within certain hours.

SECT. 45. No person shall sprinkle any of the public streets of the city by the use of street-sprinkling wagons or carts unless he or his employer shall have first obtained a license as hereinafter provided. The mayor and aldermen shall issue such licenses to such parties and on such terms and conditions as they may deem proper, and a record shall be kept of all licenses

No person to sprinkle streets with wagon or cart without license;

mayor and aldermen may issue such licenses;

revocable.

so issued. Such licenses may be revoked at any time, and if not revoked shall expire on the first day of April following their date.

Coverings in
sidewalks to be
licensed.

SECT. 46. No person or corporation shall place or maintain in the sidewalk of any public street in the city any covering made of metal or the combination of metal and any other material, without first having been authorized so to do by a written license from the supervisors of highways and bridges, which license shall not be valid until recorded by the city clerk in a book to be kept for the purpose ; and no such license shall be given except on condition that the licensee give to the city a bond, to be approved by the mayor, conditioned to protect said city from loss by reason of any injuries any party may suffer from the breaking of such covering or the slipping or falling thereon by any traveler in the street.

Bond to be given.

Conditions under
which coverings
may be main-
tained.

SECT. 47. Said board shall not authorize the placing or maintaining in said sidewalks of any such covering except upon the express condition to be stated in said license, that the same shall be so constructed as not to present a smooth surface on which travelers may slip, or a surface so rough as to be an obstruction to public travel. Any license granted by said board may be revoked at any time by a written revocation to be filed with said clerk, who shall note the filing thereof on the recorded copy of the license, and each license shall state that it is subject to such revocation.

Revocation of
license.

Children under 16
not to loiter, etc.,
on streets, etc.,
after 9.30 P. M.,
except:—

SECT. 48. No child under sixteen years of age, shall be, loiter, or remain upon any street, highway, park or other public way or place, in the city, after the hour of nine thirty o'clock in the afternoon of any day, unless accompanied by or under the control or care of a parent, guardian, or other adult person ; or unless in some employment, or in the performance of some duty directed in writing by said parent, guardian, or other adult person ; and no such child, while in such employment or performance of such duty, shall loiter upon any such street, highway, park or other public way or place.

Alarm to be
sounded at 9.30
P. M.

The chief engineer of the fire department shall cause three blows to be sounded on the fire alarm signals at nine thirty o'clock each evening.

Penalty for vio-
lation of sect. 48,

SECT. 49. Any person violating any of the provisions of section forty-eight shall be liable to a penalty not exceeding five dollars for each offense.

In enforcing section forty-eight, a police officer may, in his discretion, warn and send home any child who for the first time violates the provisions of said section, and notice thereof shall be sent the parent, guardian or other person having the care of such child.

and powers of
police thereunder.

SECT. 50. Except as provided in the preceding section, whoever shall offend against or fail to comply with any of the provisions of this chapter, shall for each and every offense forfeit and pay a penalty of not less than two nor more than twenty dollars.

Penalty for viola-
tion of provisions
of this chapter.

SECT. 51. No person shall be prosecuted for any offense against any of the provisions of this chapter, unless complaint for the same shall be instituted and commenced within six months from the time of committing such offense.

Limitation of
prosecutions.

SECT. 52. The city marshal, assistant marshal, and all police officers and watchmen are especially charged to see that the provisions of this chapter are enforced.

City marshal, etc.,
to enforce pro-
visions of this
chapter.

CHAPTER 38.

PROTECTION AGAINST SNOW-SLIDES.

Section.

1. Protections against snow-slides, board of supervisors to cause to be erected.
2. Board may prepare order for such protection; if order is adopted to give notice thereof. Notice to contain copy of order; how served, upon owner, etc.; owners to obey order.
3. Supervisors to execute order, if owner, etc., neglects.

Section.

4. Snow encumbering roofs, endangering travel, to be removed by owners, etc.; supervisors may remove twenty-four hours after snow-storm, at owner's expense.
5. Account of expenses, to be kept by supervisors; and to be collected as provided in chapter 4.
6. Penalty for violation of provisions of section 2.

Protections against snow-slides, board of supervisors to cause to be erected.

SECTION 1. The board of supervisors of highways, in addition to the duties heretofore devolving upon them, are hereby authorized and empowered to cause to be erected such balustrades or other protections (for security against snow-slides) upon the roofs of all buildings now standing, or that may hereafter be erected within the city of Springfield, as in their judgment the public safety requires.

Board may prepare order for such protection;

SECT. 2. Whenever in the judgment of said board the public safety requires the erection of such balustrade or other protection upon the roof of any building then standing or in process of erection in said city, they shall prepare an order calling for such an erection as they may deem sufficient and proper, and if said order shall be adopted by the city council, said board shall then give notice thereof to the owner of such building or buildings or authorized agent of such owner, if either reside in the city, and if not, then a copy of such notice shall be posted on the premises. Such notice shall contain a copy of such order, and shall be served, returned, filed, and preserved in the same manner as is provided for the service of notices in the fourteenth section of chapter thirty-four, and the owner or owners of such buildings shall immediately cause such erections to be made as are called for by the order, and to the acceptance of said board.

If order is adopted to give notice thereof.

Notice to contain copy of order; how served upon owner, etc.;

owners to obey order.

Supervisors to execute order, if

SECT. 3. If such order shall not be complied with to the acceptance of said board within the time that

shall be therein limited, said supervisors shall proceed immediately to cause such erections to be constructed or completed as are called for by the order.

SECT. 4. Every occupant of a building, and every owner of an unoccupied building standing upon or so near the line of a street that snow-slides from the roof may endanger public travel, shall, within a reasonable time after the termination or abatement of a snow-storm, cause the snow to be removed from the roof thereof, in such manner as will not endanger travelers. And whenever any building so situated, shall, for the space of twenty-four hours after the termination or abatement of a snowstorm, be encumbered with snow upon the roof, which, in the judgment of said supervisors, endangers public safety, said board may cause it to be removed at the expense of such occupant or owner.

owner, etc., neglects.

Snow encumbering roofs, endangering travel, to be removed, by owners, etc.;

supervisors may remove twenty-four hours after snowstorm, at owner's expense.

SECT. 5. It shall be the duty of said board to keep an accurate account of all the expenses incurred in carrying into effect any of the provisions of this chapter and report the same without delay to the city auditor with the names of the persons from whom the same are due and the amount due from each person, and the same shall be collected as provided in chapter four.

Account of expenses, to be kept by supervisors;

and to be collected as provided in chap. 4.

SECT. 6. Any person who shall offend against or fail to comply with the provisions of section second of this chapter shall pay a penalty of not less than ten nor more than twenty dollars, which shall inure to the use of the city and be turned over to the city treasurer.

Penalty for violation of provisions of section second.

CHAPTER 39.

TRANSPORTATION OF EXPLOSIVES.

Transportation of explosives through streets regulated.	Section.	Section.
	1. Transportation of explosives through streets regulated.	2. Penalty.
Penalty.	<p data-bbox="344 590 1051 847">SECTION 1. No person shall transport through any street or way within the city of Springfield, gunpowder in quantities of twenty-five pounds or over, nitroglycerine, dynamite, guncotton, or any other fulminate or substance which is intended to be used by exploding or igniting it, unless permission shall have been obtained from the city marshal, who shall prescribe the manner and method of such transportation.</p>	
	<p data-bbox="344 847 1051 934">SECT. 2. Any person violating the provisions of this chapter shall be punished by a fine not exceeding fifty dollars for each offense.</p>	

CHAPTER 40.

DOGS.

Section.

1. Metallic tags to be attached to collars of dogs. Description of tag.
2. On complaint to city marshal

Section.

- and notice, dog to be removed or destroyed.
3. Penalty ; proviso.

SECTION 1. The owner or keeper of any dog owned or kept within the city of Springfield shall, except where such owner or keeper has a special license to keep dogs for breeding purposes, attach to the collar of such dog a metallic tag, to be worn on the collar and to be furnished by the city clerk without charge, when the license is issued for such dog. Such tag shall have upon it the word "Springfield," and the year in which the license is issued, together with the number of the license as registered for that year.

Metallic tags to be attached to collars of dogs.

Description of tag.

SECT. 2. On complaint being made to the city marshal, that any dog owned or kept within the city, by barking, biting, howling, or in any other way or manner disturbs or has disturbed the quiet of any person or persons within the city, the marshal shall give notice thereof to the person owning or keeping such dog, and such owner or keeper shall thereupon cause such dog to be forthwith removed and kept beyond the limits of the city or destroyed.

On complaint to city marshal and notice, dog to be removed or destroyed.

SECT. 3. Any owner or keeper of a dog who shall fail to comply with the provisions of the preceding sections shall forfeit and pay a penalty of not more than ten dollars, *provided* that the court before which the complaints shall be tried shall be satisfied that the tag required by section one had not been attached to the collar as provided by said section, or that the dog complained of had in the manner described in section two disturbed any person or persons.

Penalty ;

proviso.

CHAPTER 41.

PAWNBROKERS.

Section.	Section.
1. Pawnbrokers to be licensed.	2. Not to receive articles from minors. 3. Penalty.
Pawnbrokers to be licensed.	SECTION 1. No person shall carry on the business of a pawnbroker in this city unless he is duly licensed therefor by the mayor and aldermen, pursuant to the provisions of chapter one hundred and two of the Revised Laws.
Not to receive articles from minors.	SECT. 2. No pawnbroker shall, directly or indirectly, receive any article in pawn of any minor or apprentice, knowing or having reason to believe him to be such.
Penalty.	SECT. 3. Whoever violates the provisions of the preceding section, shall be punished by a fine of not more than twenty dollars for each offense.

CHAPTER 42.

DEALERS IN JUNK AND SECOND-HAND ARTICLES.

Section.

1. Licenses.
2. Record book to be kept.
3. Powers of police officers.
Daily report to city marshal.
4. Not to deal with minors. Articles sold to be traced, when.
5. Sign.
6. Inspection.

Section.

7. Hours for transaction of business.
8. Licenses confined to places designated.
9. Penalty.
10. Dealers in second-hand books and furniture exempt.
11. License to contain provisions of this chapter.

SECTION 1. No person shall be a dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, or second-hand articles in this city, unless he is duly licensed therefor by the mayor and aldermen and shall exhibit his license when requested so to do. Licenses.

SECT. 2. Every person dealing in said articles or keeping such a shop, shall keep a book in which he shall record in the English language at the time of every purchase by him of either of the articles mentioned in the preceding section a description of the articles so purchased, the name, age, and residence of the person from whom, and the day and hour when he so purchased it. No entry made in such book shall be erased, obliterated or defaced and the form of such book shall be prepared by the city marshal. Said book shall at all times be open to the inspection of the mayor and aldermen, or of any person by them authorized to make such examination. Record book to be kept.

SECT. 3. Any police officer may, when authorized by the city marshal, enter the shop of any such dealer in junk or second-hand articles and examine the books and property in said shops, and all articles purchased or held by said dealers in junk or second-hand articles shall be exhibited to any police officer whenever a demand shall be made for such exhibition. Every such licensed dealer shall make out and deliver to the city marshal every day before the hour of twelve o'clock, noon, a legible list, containing an accurate description Powers of police officers.

Daily report to city marshal.

of all articles purchased during the preceding twenty-four hours, and the time when such articles were purchased.

Not to deal with minors.

SECT. 4. No keeper of such shop shall directly, or indirectly, either purchase or receive by way of barter or exchange, any of the articles aforesaid of any minor or apprentice, knowing or having reason to believe him to be such; and no article purchased by such shopkeeper shall be sold by him until a period of at least one week from its purchase or receipt by him shall have elapsed, without entering on his book the name and address of the purchaser, with other facts sufficient to enable him to keep trace thereof.

Articles sold to be traced, when.

Sign.

SECT. 5. Every keeper of such shop shall put, in some suitable and conspicuous place on his shop, a sign having his name and occupation legibly inscribed thereon in large letters.

Inspection.

SECT. 6. Every such shop, and all articles of merchandise therein, may be examined at any time by the mayor and aldermen, or by any person by them authorized to make such examination.

Hours for transaction of business.

SECT. 7. No keeper of such shop shall have the same open for transaction of business, except during the time between the rising of the sun and nine o'clock of the afternoon of each week day.

Licenses confined to places designated.

SECT. 8. All licenses granted under this chapter shall designate the place where the person licensed may carry on his business, and he shall not engage in or carry on his business under his license in any other place than the one so designated.

Penalty.

SECT. 9. Any person offending against any of the provisions of this chapter shall forfeit a sum not exceeding twenty dollars for each offense.

Dealers in second-hand books and furniture exempt.

SECT. 10. Persons who buy or sell no second-hand articles except books or furniture shall be exempt from the provisions and conditions of section four.

License to contain provisions of this chapter.

SECT. 11. All the provisions of this chapter shall be incorporated into every license which shall be granted under it.

CHAPTER 43.

IN RELATION TO LICENSING RAG PICKERS AND JUNK COLLECTORS.

Section.

1. Rag pickers, etc., must be licensed.
2. Mayor and aldermen may grant licenses and revoke same. Record to be kept by city marshal.
3. When licenses shall expire.
4. Licensee to display badge with number.
5. Restrictions as to hours. Licensee not to enter building

Section.

- without permission, nor buy from minor, etc.
6. Fee.
7. Bags, etc., may be examined by marshal. Information to be given.
8. Rags, etc., to be stored in fire district only in certain buildings.
9. Penalty.

SECTION 1. No person shall go about picking up or collecting by purchase or otherwise, rags, paper, junk, old metal, or other waste matter, in this city, unless he is duly licensed by the mayor and board of aldermen.

Rag pickers, etc., must be licensed.

SECT. 2. The mayor and aldermen may grant licenses to such persons and upon such conditions as they may deem expedient, and may revoke the same at their discretion, and a record of the licenses so granted shall be kept by the city clerk.

Mayor and aldermen may grant licenses and revoke same. Record to be kept by city marshal.

SECT. 3. All licenses so granted shall expire on the first day of May next after the date thereof, unless sooner revoked.

When licenses shall expire.

SECT. 4. Every person so licensed shall display conspicuously upon his person and upon his vehicle if using one, a badge giving the number of said license, in plain, legible figures of a size provided in said license.

Licensee to display badge with number.

SECT. 5. No person licensed as above described shall pursue said business between the hours of six at night and seven in the morning, nor upon the Lord's day. No person so licensed shall enter any building without having first obtained the consent of the owner or tenant, nor take anything from any premises without the consent of its owner; nor buy anything from any minor or apprentice, knowing or believing him to be such.

Restrictions as to hours.

Licensee not to enter building without permission,

nor buy from minor, etc.

SECT. 6. For every license so granted there shall be paid to the city treasurer the sum of three dollars.

Fee.

Bags, etc., may
be examined by
marshal, etc.

Information to be
given.

Rags, etc., to be
stored in fire
district only in
certain buildings.

Penalty.

SECT. 7. The bags, baskets, vehicles, or other conveyance used for carrying said matter by a person licensed in accordance with the provisions of this chapter may be examined at any time by the city marshal, assistant marshal, captain of the watch, or any police officer, and any person so licensed shall at all times give full information to such officers concerning any goods or articles which may be in his possession. Concerning any goods or articles on which distinguishing marks have been destroyed or obliterated, or concerning any goods or articles which may have been stolen and so changed, marred, broken, or mutilated as to prevent ready identification, such information shall include an accurate statement as to the party from whom, the time when and all other circumstances under which the same were obtained. The city marshal shall report to the mayor and aldermen any failure to obey the requirements of this chapter.

SECT. 8. Rags and waste paper collected by junk dealers, junk collectors, or rag pickers shall not be kept or stored within the limits of the fire district, except in substantial brick or stone buildings.

SECT. 9. Whoever shall offend against or fail to comply with any of the provisions of this chapter shall, for every offense, forfeit and pay a penalty of not less than five nor more than twenty dollars.

CHAPTER 44.

PROVIDING FOR THE LICENSING OF BOOT BLACKS.

Section.

1. Boot blacks must be licensed.
2. City marshal may license. Minor to apply by parent, etc. License revocable.
3. When license to expire. Licensee must wear badge; to pay cost of badge.

Section.

4. Record of licenses to be kept by city marshal.
5. Licensee to file consent of owner, etc., adjoining place where he intends to work.
6. Penalty.

SECTION 1. No person shall follow the calling of boot or shoe black in any of the streets, alleys, or public places, in the city of Springfield, without first having obtained a license so to do.

Boot blacks must be licensed.

SECT. 2. The city marshal is authorized, at his discretion, to license any person who may apply to him therefor to black boots and shoes in the streets, alleys, and other public places in the city. Such application, if by a minor, may be made in his behalf by parent, guardian, or next friend; and the city marshal shall have the right to revoke, at his pleasure, any license granted as aforesaid.

City marshal may license.

Minor to apply by parent, etc.

License revocable.

SECT. 3. Every license granted under the provisions hereof shall expire on the first day of May after the date thereof; and every person licensed as aforesaid shall wear, while exercising his vocation, conspicuously on the left breast, a metallic badge with the words "Boot black" and the number of his license inscribed thereon, the same to be procured of the city marshal, who shall provide and deliver it upon payment of the cost thereof when the license is granted.

When license to expire.

Licensee must wear badge;

to pay cost of badge.

SECT. 4. It shall be the duty of the city marshal to keep a record of all licenses granted under this chapter in a book provided for the purpose, giving the number and date of each license, and the name, age and residence of the person licensed; also the date of all licenses revoked.

Record of licenses to be kept by city marshal.

SECT. 5. No person so licensed shall adopt or use as a regular place for exercising his vocation any part of the streets, alleys, or other public places in the city, without first having filed with the city marshal the

Licensee to file consent of owner, etc., adjoining place where he intends to work.

consent in writing of an owner or tenant of the building or premises adjoining such place where he intends to exercise his vocation.

Penalty.

SECT. 6. Any person who shall violate or fail to comply with any of the provisions of this chapter, upon conviction thereof, shall be subject to a fine of not less than one dollar nor more than three dollars for each and every offense.

CHAPTER 45.

DEALERS IN COAL AND COKE.

Section.

1. License for one year. License fee.
2. Statement of weight, etc., to be furnished with each load, etc. Statement to be certified by official weigher.
3. False statements.

Section.

4. Appointment of inspector of coal, tenure of office and compensation ; qualifications.
5. Duties of inspector.
6. Each wagon, etc., to be numbered, and the weight thereof to be displayed.
7. Penalty.

SECTION 1. Licenses granted by the secretary of the Commonwealth to dealers in coal and coke, under and pursuant to chapter four hundred and eighty-four of the Acts of nineteen hundred and three, shall be for the period of one year, and the license fee therefor shall be one dollar.

License for one year.

License fee.

SECT. 2. Each and every person, firm or corporation engaged in or carrying on the business of selling coal or coke, at retail, in the city of Springfield, and either as principal or agent, shall deliver to the customer with each separate load, lot or delivery of coal, a slip or card of appropriate size and form to be prescribed by the inspector of coal hereinafter mentioned, upon which shall be printed or written in plain and legible letters and figures a statement of the weight of each and every load, lot, or separate delivery of coal sold at retail within said city, and the number or other specific description of the wagon, vehicle or other receptacle in which coal shall be delivered, and the true weight thereof, and the net weight and the variety of coal actually delivered therein to said customer. And the statement so made by the dealer shall be subscribed and certified to by an official weigher of coal and coke as correct, and such statement shall thereupon be delivered to the customer or purchaser with every separate load, lot or delivery of coal.

Statement of weight, etc., to be furnished with each load, etc.

Statement to be certified by official weigher.

SECT. 3. If any such statement so made and furnished by a dealer in coal or coke as aforesaid, or his agent, shall be false or incorrect, within the knowledge of the person making such statement, such person shall be punished as hereinafter provided.

False statements.

Appointment of
inspector of
coal,

tenure of office
and compensa-
tion;

qualifications.

Duties of
inspector.

Each wagon, etc.,
to be
numbered,

and the weight
to be displayed.

Penalty.

SECT. 4. There shall be appointed by the mayor, annually on the second Monday of September, or within thirty days thereafter, and subject to confirmation by the board of aldermen, an inspector of coal, whose duties shall be as hereinafter prescribed. He shall hold office for the period of one year and shall receive such compensation as may be fixed by the board of aldermen, but not exceeding four hundred dollars per year for executing the duties of his office. No person shall be appointed inspector of coal who is not at the time of his appointment a sealer of weights and measures in said city.

SECT. 5. It shall be the duty of said inspector of coal from time to time to test in the manner provided by section eighty-nine of chapter fifty-seven of the Revised Laws, or otherwise, as he may determine, the actual weight and variety of coal being delivered to customers in the city of Springfield, by retail dealers in coal and coke therein, and the accuracy of the statements thereof submitted to customers as aforesaid. And at least three times each year such examination shall be made of deliveries from each retail dealer in coal and coke. The result of such examination shall be reported monthly to the city marshal, and shall be open to the inspection of the public at all proper times.

SECT. 6. Each dealer as aforesaid shall separately number in plain and conspicuous letters and figures each separate wagon, vehicle or receptacle used by said dealer in making deliveries of coal and coke to retail customers, and shall have plainly printed thereon the weight thereof as actually used and equipped in making deliveries of coal or coke.

SECT. 7. Whoever shall violate any provisions of this chapter shall be punished by a fine of not more than twenty dollars.

CHAPTER 46.

RELATING TO TELEPHONE LINES, CONDUITS AND DISTRIBUTING POLES.

Section.

1. Mayor and aldermen may authorize telephone company to construct underground conduits, cables, and wires, etc.; to be subject to future regulations and ordinances.
2. Conduits to be of suitable material and subject to approval of supervisors of highways and bridges. Poles to be subject to approval of board of aldermen.
3. Surface of street not to be disturbed without permit from supervisors. Exception.
4. Street to be restored to condition satisfactory to superintendent; to be kept in condition for one year; may be done at expense of company.

Section.

5. Not to disturb street railway, or wires, pipes, etc.
6. Necessary changes to be at expense of company.
7. When work to be commenced; how continued.
8. Conduits not to be removed without permission.
9. Conduits to be removed when ordered by board of aldermen.
10. No permit to be granted or valid until bond has been executed. Conditions of bond.
11. Authority granted may be revoked. In case location is revoked, substitute to be granted.

SECTION 1. The board of mayor and aldermen may authorize any telephone company to construct and maintain underground conduits, cables, and wires for the conduct of its business in such of the streets of the city as said board may deem advisable, and to construct therein and maintain the necessary manholes and house connections; also to erect and maintain distributing poles at the termini of such said conduits and at suitable distributing points; all of which shall be done in accordance with the regulations hereinafter provided and subject to such ordinances in addition to or amendment hereof as may hereafter be passed.

SECT. 2. The said conduits shall be of suitable kind and construction such as said board shall approve, and the work shall be done in a thorough manner, and to the approval of the supervisors of highways and bridges. The said distributing and other poles shall be of such height and other dimensions, and of such form and material, and so located as to be satisfactory to the board of aldermen, and shall be subject to their approval or the approval of any person or persons whom the board of aldermen may select.

Mayor and aldermen may authorize telephone company to construct underground conduits, cables, and wires, etc;

to be subject to future regulations and ordinances.

Conduits to be of suitable material and subject to approval of supervisors of highways and bridges.

Poles to be subject to approval of board of aldermen.

Surface of street not to be disturbed without permit from supervisors.

Exception.

Street to be restored to condition satisfactory to superintendent;

to be kept in condition for one year;

may be done at expense of company.

Not to disturb street railway, or wires, pipes, etc.

Necessary changes to be at expense of company.

When work to be commenced; how continued.

Conduits not to be removed without permission.

Conduits to be removed when ordered by board of aldermen.

No permit to be granted or valid

SECT. 3. The surface of a street shall not be disturbed for the purpose of laying, repairing, or removing wires or conduits, or erecting or removing distributing or other poles, without a permit from the supervisors of highways and bridges, indicating the time, manner, and place of opening such streets, and the time within which such work shall be completed. But this provision shall not be construed as requiring any permit for the opening of manholes for the purpose of drawing in, removing, or repairing wires and cables.

SECT. 4. When an opening is made in a street for any of the purposes aforesaid, the portion of the street so opened shall be restored to a condition satisfactory to the superintendent of streets, and shall be kept in such condition for one year thereafter, and, if not so restored and maintained by the company performing the work, said superintendent of streets may cause the same to be done at the expense of such company.

SECT. 5. Any such company in laying, repairing, or removing its wires or conduits shall not disturb or in any way interfere with the street railway or electric light wires or any gas or water pipes, or sewers, or pipes therewith connected.

SECT. 6. In case the city of Springfield finds it necessary to construct or enlarge sewers or other public works in streets where conduits are laid, which shall require the changing the location of said conduits, said changing shall be at the expense of the company owning the conduits, which shall forthwith carry out the same.

SECT. 7. Such company shall commence the work contemplated by any authority granted to it within six months from the granting of the authority, unless restrained by process of law, and shall continue the said work with reasonable diligence until suitable conduits have been laid in the location designated in its application for authority, and duly granted by the board of mayor and aldermen.

SECT. 8. Any such company shall not remove its conduits unless permitted to do so by the board of aldermen.

SECT. 9. Any such company shall remove its conduits to other suitable locations whenever ordered to do so by the board of aldermen.

SECT. 10. No permit shall be granted, or if granted shall be valid, to disturb the surface of a street for any

of the purposes aforesaid until such company has executed an agreement in a form satisfactory to and approved by the mayor, providing :—

until bond has been executed.

First : That in every underground conduit constructed by such company sufficient and necessary space shall be reserved and maintained, free of charge, for the use of the fire, police, and other signal wires belonging to the city and used exclusively for municipal purposes, and that the fire and police departments by their electrical superintendents shall be allowed access to said conduits at all times ; and that said departments shall be allowed facilities and privileges in putting in or taking out wires equal in all respects to those of such telephone company.

Conditions of the bond.

Second : That such company will indemnify and save harmless the said city against all damages, costs, and expense whatsoever to which the said city may be subjected in consequence of the acts or neglect of such company, its agents or servants, or in any manner arising from the rights and privileges granted it by the city.

Third : In addition to the aforesaid agreement, such company shall, before a street is disturbed for the laying of its wires or conduits, execute a bond with surety or sureties, to be approved in writing by the mayor, or in penal sum of not less than ten thousand (10,000) dollars, conditioned to fulfil all its agreements with the city and its duties under this ordinance, and a new bond of like import may at any time be required by the board of mayor and aldermen, which new bond shall be a strengthening bond unless the surety or sureties on former bonds are expressly released from further liability by vote of the city council.

Fourth : That the company will, as soon as a conduit is constructed, remove thereto such wires as it is intended to accommodate, and remove all wires from any conduit the license to use which has been revoked by the board of mayor and aldermen.

Fifth : That the company will at once comply with any changes in their conduits, manholes, or poles that the board of mayor and aldermen may, after hearing duly appointed, order.

SECT. 11. Any authority granted by said board of mayor and aldermen may, after notice and hearing, be revoked or altered at any time without liability on the part of the city therefor ; but in case any location

Authority granted may be revoked.

In case location
is revoked, sub-
stitute to be
granted.

in any street shall be revoked, a substitute location in some other street that will in the opinion of the said board accommodate the service shall be granted.

CHAPTER 47.

IN RELATION TO THE EXECUTION OF DEEDS, LEASES, AND OTHER INSTRUMENTS.

Section.

1. Deeds, etc., given by city, how executed.

Section.

2. Mortgages, how discharged ;
mayor may assign mortgages,
etc.

Deeds, etc.,
given by city,
how executed.

SECTION 1. All deeds, conveyances, leases, and other instruments, which shall be given by the city, and which to be valid in law must be signed, sealed, and acknowledged, shall be signed and acknowledged by the mayor, on behalf of the city, and shall be by him sealed with the common seal of the city.

Mortgages, how
discharged.

Mayor may
assign mortgages,
etc.

SECT. 2. Whenever the amount due and payable on any mortgage belonging to the city shall be paid to the city treasurer, he shall certify the same to the mayor, who shall thereupon discharge the mortgage ; or may assign the same ; and for that purpose the mayor shall execute and deliver all necessary deeds and instruments.

WARRANTS FOR CITY MEETINGS.

3. Notice in two or more papers,
officer serving warrants to
publish.

General meetings, form of warrant for calling.

How issued,
signed, served,
and returned.

SECT. 3. The officer who shall serve said warrants shall also publish a notice in one or more newspapers in this city, seven days at least before the time of

Notice in two or more papers, officer serving warrants to publish.

holding said meetings, stating the time, place, and general objects of said meetings, said notice to be signed by order of the mayor and aldermen.

CHAPTER 49.

DIRECTING THE MANNER OF PASSING AND PUBLISHING CITY ORDINANCES.

Section.		Section.
By-laws to be termed ordinances; enacting style.	1. By-laws to be termed ordinances; enacting style. 2. To be recorded by city clerk in order of passage.	3. To be published, how. 4. To take effect, when.
To be published, how.	<p>SECTION 1. All by-laws passed by the city council shall be termed ordinances, and the enacting style shall be, "Be it ordained by the city council of the city of Springfield as follows :"</p>	
To be recorded by city clerk in order of passage.	<p>SECT. 2. All ordinances which shall be passed by the city council of said city shall be engrossed or recorded by the city clerk, in a fair, legible hand, or by a typewriter, in the order in which they shall pass to be ordained, in a book to be kept for that purpose.</p>	
To take effect, when.	<p>SECT. 3. All the ordinances of the city council shall be published by causing the same to be inserted in such newspaper printed and published in the city of Springfield as the board of aldermen shall by order direct.</p>	
	<p>SECT. 4. Every ordinance which does not expressly prescribe the time when it shall go into operation, shall take effect from and after its passage.</p>	

CHAPTER 50.

REPEAL.

Section.

1. Ordinance to take effect Dec. 31, 1904; repeal of previous ordinances. *Proviso* as to effect of repeal; not to revive ordinances repealed, etc., or affect rights accrued, etc.; or affect penalty, etc.,

Section.

incurred; or prosecution, etc., pending; or limitations, begun, for acquiring or barring rights; or tenure of office, except; continuation of existing ordinances.

SECTION 1. This ordinance shall take effect from and after the thirty-first day of December, in the year of our Lord nineteen hundred and four; and all ordinances and parts of ordinances heretofore passed and ordained by the city council are hereby declared to be and are hereby repealed from and after said day. *Provided*, however, that such repeal shall not revive any ordinance heretofore repealed or superseded nor any office heretofore abolished; it shall not affect the acceptance and adoption of any act of the legislature heretofore lawfully accepted and adopted, and it shall not affect any act done or any right accruing, accrued, or established, or any proceedings, doings, or acts ratified or confirmed, or any suit or proceedings had or commenced before the repeal takes effect; but the proceedings therein shall, when necessary, conform to the provisions of this ordinance; it shall not affect any penalty or forfeiture, incurred before it takes effect, under any of the ordinances repealed; it shall not affect any suit or prosecution, pending at the time of the repeal for an offense committed, or for the recovery of a penalty or forfeiture incurred under any of the ordinances repealed, except that the proceedings therein shall, when necessary, conform to the provisions of this ordinance; and when a limitation or period of time prescribed in any of the ordinances repealed, for acquiring a right or barring a remedy or any other purpose, has begun to run and the same or similar limitation is prescribed in this ordinance the term of limitation shall continue to run, and shall have like effect as if the whole period had begun and ended

Ordinance to take effect Dec. 31, 1904; repeal of previous ordinances.

Proviso, as to effect of repeal; not to revive ordinances repealed, etc., or affect rights accrued, etc;

or affect penalty, etc., incurred;

or prosecution, etc., pending;

or limitations, begun, for acquiring or barring rights;

or tenure of
office, except;

continuation
of existing
ordinances.

under the operation of the ordinance hereby ordained. All persons who at the time when said repeal takes effect hold any office under any of the ordinances repealed shall continue to hold the same according to the tenure thereof, except those offices which have been abolished, and those as to which a different provision has been lawfully made. The provisions of this ordinance, so far as they are the same as those of existing ordinances, shall be construed as a continuation thereof and not as new enactments.

Approved, Dec. 21, 1904.

Attest,

E. A. NEWELL,
City Clerk.

RULES AND ORDERS OF THE MAYOR AND ALDERMEN,

FOR THE REGULATION OF HACKNEY CARRIAGES, DRAYS,
TRUCKS, ETC.

Section.

1. Rules established.

RULE 1. HACKNEY CARRIAGES, what shall be deemed to be.

RULE 2. Not to be set up, used, or driven, without license.

RULE 3. Licenses for, mayor and aldermen may grant; record of, to be kept by city marshal.

RULE 4. Fee for license, one dollar to the city treasurer for use of the city.

RULE 5. Terms of license for: to expire April 1, after its date; revocable at discretion, etc.; not transferable without consent of mayor, etc.; city marshal to record transfer of licenses.

RULE 6. Carriages must be numbered and marked, how; card, with name, number, and rates thereon, to be placed and kept conspicuously inside of.

RULE 7. Number, no carriage to be used with any other than that designated in license.

RULE 8. Obstruction of streets, not to be caused by stopping carriages abreast, etc.

RULE 9. Badges, drivers to wear what and when.

RULE 10. Carriages waiting for passengers; mayor, etc., may direct as to standing of.

RULE 11. Rates of fare, within certain limits prescribed; reasonable may be charged beyond prescribed limits; double, when may be charged. Luggage, what free

Section.

with passenger; additional, charge for fixed; applications for conveyance not to be neglected, etc., unless carriage is engaged, etc., if fee be tendered on demand.

RULE 12. DRAYS, TRUCKS, JOB WAGONS, etc.; must be licensed; must be numbered and marked, how.

RULE 13. Licenses for: mayor and aldermen may grant, etc.; revocable at discretion; record of, to be kept by city marshal.

RULE 14. Terms of license: to expire April 1 after its date, unless sooner revoked; not transferable without consent of mayor, etc.; city marshal to record transfers of.

RULE 15. Fee for license, one dollar to the city treasurer for use of the city.

RULE 16. Driving of, through streets, must be at moderate pace.

RULE 17. Passing through streets, to take the right as near as may be; to be driven abreast of other vehicles only long enough to pass.

2. Owners or drivers only, of licensed vehicles, to solicit passengers, baggage or merchandise.

3. Penalty, for any violation of these rules and orders, fine not more than twenty dollars.

STREET MUSICIANS.

Rule.

1. Begging by street musicians.

2. No performances after 10 P. M.

3. No performances on Sunday; *proviso*.

4. Licensee to receive tag and copy of rules.

Rule.

5. Licenses to be granted by marshal; expiration and fee.

6. Licenses for two or more.

7. Musicians to desist on notice, when.

8. Penalty.

REGULATIONS FOR PUBLIC AMUSEMENTS.

Section.

1. Licenses for public exhibitions; how granted. When to expire.
2. License fee.
3. Marshal to approve posters.
4. Inspection.

Section.

5. Exits.
6. Fire apparatus.
7. Detail of firemen and policemen.

Be it ordered by the mayor and board of aldermen of the city of Springfield, as follows, to wit:—

Rules and orders.

SECTION 1. That the following rules and orders be, and the same are, hereby established for the regulation in said city of omnibuses, stages, hackney carriages, wagons, trucks, carts, drays, and other vehicles used and employed for hire in said city.

HACKNEY CARRIAGES, OMNIBUSES, ETC.

Hackney carriages; what shall be deemed to be.

RULE 1. Every vehicle drawn by one or more horses or other animal power, which shall be used for the conveyance of persons for hire from place to place within said city, shall be deemed a hackney carriage within the meaning of these rules and orders.

Not to be set up, used, or driven, without license.

RULE 2. No person shall set up, use, or drive any hackney carriage, for the conveyance of persons for hire within said city of Springfield, without a license for said carriage, duly obtained as hereinafter provided.

Mayor and aldermen may grant licenses for.

RULE 3. The mayor and aldermen of said city may from time to time grant licenses to set up, use, or drive hackney carriages, for the conveyance of persons for hire within said city, upon such conditions as they may deem expedient, and a record of all licenses so granted shall be kept by the city marshal.

Marshal to keep record of.

License fee.

RULE 4. For every license so granted there shall be paid to the city treasurer, for the use of the city, the sum of one dollar.

When license to expire; revocation; transfer.

RULE 5. All licenses shall expire on the first day of April next after the date thereof, and may be revoked by the mayor and aldermen at their discretion; and no license shall be transferable without the consent of the mayor endorsed thereon; and such transfer shall be recorded by the city marshal.

Carriages, how marked and numbered;

RULE 6. Every hackney carriage licensed as aforesaid shall be conspicuously marked and numbered on the outside on the right and left sides thereof, with the number of the license in figures not less than one and one-half inches in length, and such figures shall

be of a light color on a dark ground or dark color on light ground, and placed either on the driver's seat or on the sills of the carriage. A card with the name of the owner and the number of the license and the rates of fare fixed by these rules and orders printed thereon shall be placed and at all times kept in a conspicuous place inside of all such carriages; and no owner or driver of any hackney carriage shall use or drive such carriage, or permit the same to be used or driven, until each and all of the foregoing regulations have been fully complied with.

to contain card with number, rates, etc.

RULE 7. No owner or driver of any hackney carriage shall use or suffer such carriage to be used with any number upon the same other than that designated in his license.

No other number to be used.

RULE 8. No owner, driver, or other person having charge of any hackney carriage shall stop his carriage abreast of any other carriage in any street within the city, nor stop his carriage in any street, lane, square, or alley, so as to obstruct the same or any crossing thereof.

Carriage not to be stopped abreast of other carriage or to obstruct street.

RULE 9. Every owner, driver, or other person having charge of any hackney carriage, while standing at any railroad depot, shall wear a badge upon his hat or cap with the number of his carriage thereon, so placed that the same may be distinctly seen and read.

Drivers to wear badges.

RULE 10. In every place where hackney carriages attend for passengers, the mayor, or any person by him authorized, may give directions respecting the standing of such carriages while waiting for their passengers; and if any owner, driver, or other person having the care of such carriage shall neglect or refuse to obey such order or direction of the mayor, or other person by him authorized, he shall forfeit and pay the penalty hereinafter provided.

Carriages waiting for orders; mayor to direct as to standing.

RULE 11. The prices or rates of fare to be taken by or paid to the owner, driver, or other person having charge of any hackney carriage, shall not exceed the following rates, viz.: For the conveyance, between the hours of six o'clock in the morning and ten o'clock in the evening, from any point to any point within that part of the city which is bounded southerly by Mill river from its mouth as far easterly as Walnut street; thence easterly by Walnut street as far north as its intersection with Hancock street; thence easterly and northeasterly by Hancock and Thompson streets to Worthington street; thence northeasterly by a straight

Rates of fare.

First limit;

line extending from the intersection of Thompson and Worthington streets to the southwesterly corner of Chestnut and Calhoun streets ; thence northerly by a straight line extending due west from the point last named to the Connecticut river ; thence westerly by the Connecticut river to the place of beginning,—of a single passenger forty cents, and when two persons belonging to the same party are carried to the same place, seventy-five cents for both, and for each additional person belonging to the same party, twenty-five cents. By a cab or herdic, without trunk, each passenger twenty-five cents. For the conveyance, between the hours aforesaid, to or from any point beyond the above described limits, and within that portion of the city bounded southerly by the northerly and westerly boundary of Forest park to Sumner avenue ; thence easterly by Sumner avenue to the junction of Belmont avenue and Dickinson street ; thence northerly in a straight line to the Hickory street crossing of the New York and New England railroad ; thence easterly by said railroad to where it crosses Bay street ; thence northerly by a straight line from the last named point to the southwesterly corner of Fisk and Demond avenues, Brightwood ; thence continued westerly through Demond avenue to the Connecticut river, westerly by the Connecticut river between the last named point and a point due west from the junction of Calhoun and Chestnut streets,—of a single passenger fifty cents, and when two persons belonging to the same party are carried to the same place, ninety cents for both, and for each additional person belonging to the same party, and carried to the same place, thirty-five cents ; and the rates for herdics for the same limits shall not exceed thirty-five cents for each passenger. For the conveyance, between the hours aforesaid, to or from any point beyond those portions of the city above described, but within the two-mile circuit of Court square, and south of the Boston and Albany railroad,—of one passenger, seventy-five cents, and for each additional person belonging to the same party, and carried to the same place, fifty cents ; and the rates for herdics within this last circuit shall be forty cents for each passenger. For the conveyance of children between the ages of four and twelve years, if more than one, or if accompanied by an adult, half of the above named rates only is to be charged.

For the conveyance of persons beyond the above named limits special reasonable rates may be charged. The charge for hackney carriages, when hired by the hour between the hours aforesaid, shall not exceed two dollars for the first hour, and one dollar and one-half per hour after the first hour, and for parts of hours after the first hour a proportional part of one dollar and one-half.

Rates by the hour.

For the use of hackney carriages within the above named limits, or when hired by the hour, between the hours of ten o'clock in the evening and six o'clock in the morning, double the above established rates may be charged.

Night rates.

Every owner, driver, or other person having charge of any hackney carriage shall convey if requested, with each passenger, one trunk, and the valise, carpet-bags, portmanteaus, bundles, and baskets which may be used by such person in traveling, without charge or compensation therefor, but for every additional trunk so conveyed by him he shall be entitled to demand and receive the sum of ten cents; and no owner, driver, or other person having charge of any hackney carriage shall neglect or refuse the application of any person for conveyance within his carriage, if such carriage be not occupied, engaged, or employed at the time of making such application, and if, on demand, the legal fare be tendered.

What baggage to be carried.

Driver not to refuse to carry passengers, etc.

TRUCKS, DRAYS, ETC.

RULE 12. Every truck, wagon, dray, cart, or other vehicle whether drawn by one or more horses, or other animal power, which shall be used within said city of Springfield, for the conveyance within the said city for hire of wood, coal, lumber, stone, brick, sand, gravel, clay, dirt, goods, wares, furniture, merchandise, building materials, or any article or thing whatsoever, shall be licensed, and shall have placed upon the outside and upon each side of the same the number of the license in plain, legible figures of not less than one and a half inches in length, and the name of the person taking out the license in plain characters, so that the same may be distinctly seen and read.

Trucks, drays, etc., must be licensed and numbered.

RULE 13. The mayor and aldermen may grant licenses to use and to drive any such vehicle as aforesaid within said city upon such conditions as they may deem expedient, and may revoke the same at their discretion; and a record of the licenses so granted shall

Mayor and aldermen may grant licenses and revoke same;

marshal to record.

be kept by the city marshal. But no license shall be granted for any such vehicle to stand for business on any street around Court Square, and every license granted shall specify that such vehicle shall not stand for business either on Court Square avenue or on Main street, Court street, or Elm street, around Court square.

When licenses to expire.

RULE 14. All licenses so granted shall expire on the first day of April next after the date thereof, unless sooner revoked ; and no license shall be transferable without the consent of the mayor indorsed thereon ; and such transfer shall be recorded by the city marshal.

Fee.

RULE 15. For every license so granted there shall be paid to the city treasurer, for the use of the city, the sum of one dollar.

To drive at moderate pace.

RULE 16. Every driver or other person having the care of any such vehicle shall, when passing through the streets, squares or lanes of said city, drive his horse or beast at a moderate pace.

Rule for driving and stopping.

RULE 17. Every driver or other person having the care of any vehicle licensed in accordance with the provisions of these rules and orders shall guide and drive the same as near as may be to the right hand side of the street or highway through which the same may be passing ; and no such driver or other person having the care of any such vehicle shall guide or drive the same alongside of or abreast of any other carriage or vehicle which may be passing any street or highway in the same direction longer than may be necessary to pass the same.

Owners or drivers only of licensed vehicle to solicit passengers, etc.

SECT. 2. No person other than the owner or driver of a licensed hackney carriage or other licensed vehicle shall solicit passengers, baggage, or merchandise to be conveyed for hire within said city.

Penalty.

SECT. 3. Every owner, driver, or other person who shall violate either of the provisions, or any of the rules and orders aforesaid, or neglect or refuse to obey the same in the manner provided, shall pay for each and every violation, neglect, or refusal as aforesaid, a fine of not more than twenty dollars.

STREET MUSICIANS.

Ordered, That all the powers and duties now devolving upon the city clerk in relation to the licensing of musicians be and the same are hereby transferred to and made a part of the duties of the city marshal, and

the order passed by the board of aldermen, October 23, 1899, and approved by the mayor, October 24, 1899, establishing rules and orders for the regulations of musicians, is hereby amended so as to read as follows :—

RULE 1. No person shall, except at a religious service, solicit or receive compensation in the streets or public out-of-door places, or by a house to house collection for singing, playing, or performing on any musical instrument in said streets or public out-of-door places of the city of Springfield, except as hereinafter provided, unless licensed therefor by the city marshal as hereinafter set forth.

Begging by street musicians.

RULE 2. No person or persons shall sing or perform in the streets or public out-of-door places of the city after ten o'clock at night, except as a part of a military or civic parade or funeral procession, or at a concert authorized by the mayor.

No performances after 10 P. M.

RULE 3. No person or persons shall sing or perform in the streets or public out-of-door places of the city on Sunday, except as a part of a religious service, or a military or civic parade, or a funeral or religious procession, or at a concert given by the city, and then not within six hundred feet of any place of worship while services are being held therein, excepting in the cases of said parades or processions, when the musicians may play while passing such place of worship.

No performances on Sunday.

proviso.

RULE 4. When the applicant receives a license, he shall be furnished with a metal tag by the city marshal with the applicant's license number thereon, and also with a printed copy of these rules. The licensee shall display said tag on his person or instrument where it can be plainly seen.

Licensee to receive tag and copy of rules.

RULE 5. Licenses shall be granted by the city marshal to any person or persons to sing or play or perform on musical instruments in the streets or public out-of-door places and to solicit and receive compensation therefor, provided the entertainment given by the applicant is not, in the city marshal's opinion, sufficiently discordant and undesirable to be unpleasant to the public, or the past conduct of the applicant known to be such as to make him or them undesirable licensees. Every license herein provided for shall expire on the first day of October next succeeding its date; the fee for such license shall be twenty-five cents.

Licenses to be granted by marshal;

expiration and fee.

RULE 6. When there are two or more persons performing or singing together, one person may obtain a

Licenses for two or more.

license for himself and those performing or singing with him. The license shall not be transferable and shall be revocable for cause by the city marshal at his discretion, and in case of revocation, no portion of the license fee shall be refunded.

Musicians to desist on notice, when.

RULE 7. No licensee shall sing, play, or perform on any musical instrument within one hundred feet of any dwelling house, any occupant of which notifies him to desist, nor within three hundred feet of any dwelling house in which any person is sick and the licensee is informed thereof.

Penalty.

RULE 8. Any person violating any of the foregoing rules shall be punished by a fine of not exceeding twenty dollars for each offense.*

REGULATIONS FOR PUBLIC AMUSEMENTS.

Ordered, That, until otherwise ordered, the following regulations be and are hereby established for the government of public amusements within the city of Springfield :—

Licenses for public exhibitions, how granted,

SECTION 1. Licenses for theatrical exhibitions, public amusements and exhibitions of any description granted by the mayor and board of aldermen shall be subject to the terms and conditions contained in the following sections, and to such other terms and conditions as said board may, from time to time, adopt; and any failure to observe the same will be deemed sufficient cause for the revocation of such license. During vacation, or between the sessions of the board, the committee on exhibition licenses may grant such licenses, and the city clerk shall make record thereof, and such licenses, when recorded, shall have the full authority of and be subject to the terms and conditions of a regular license. All licenses for a theatrical season shall expire on the first day of March, next after the date of the license.

when to expire.

License fee

SECT. 2. Every licensee before he receives any license for a theatrical exhibition, public show, public amusement, or other performance or exhibition of any description to which admission is obtained by the payment of money or the delivery of any valuable thing, or by any ticket or voucher obtained for money or any

* NOTE.—The main part of this order was adopted January 14, 1867. Parts of rule 11 were amended June 6, 1887, July 6, 1887, and May 31, 1898.

Rule 13 was amended January 12, 1897.

The order as to Street Musicians was adopted in its present form, March 6, 1900.

valuable thing, shall pay to the city treasurer for such license covering performances or exhibitions for one day, three dollars (\$3.00); for a term exceeding one day and not exceeding six days, six dollars (\$6.00); for a term exceeding six days and not exceeding thirty days, one dollar (\$1.00) per day; for a term exceeding thirty days and not exceeding one year, one hundred dollars (\$100); provided, however, that for a license for any athletic entertainment the licensee shall pay one dollar (\$1.00) per day and for a license for a circus he shall pay such sum as the committee on exhibition licenses may determine. The above does not apply to exhibitions or performances in the city hall, when the license fee will be included in the rental of same.

SECT. 3. Every such licensee shall prevent his place of amusement and any performance or exhibition therein from being advertised by means of pictorial posters or placards which have not been approved by the city marshal, or some person designated by him. And the marshal or person so designated shall exclude such placards or posters as are lewd, indecent or vulgar, or which pictorially represent the commission or attempt to commit any crime or bodily violence.

Marshal to approve posters.

SECT. 4. The mayor and board of aldermen reserve the right of entering and inspecting all places of amusement at all times, either individually or collectively.

Inspection.

SECT. 5. All exits of every place of public amusement shall be marked with the word "EXIT" in large letters over the same and be so constructed as to be easily opened by anyone from within.

Exits.

SECT. 6. Every such licensee shall keep in good condition and so as to be easily accessible in such place such standpipes, hose, water pails, axes, chemical extinguishers and other apparatus as the commissioners of the fire department may require.

Fire apparatus.

SECT. 7. Upon the request of the licensee one or more firemen to be detailed by the commissioners of the fire department, and one or more policeman to be detailed by the police commissioners, may be furnished, and, if in the judgment of the board of aldermen or the committee on exhibition licenses the same is deemed necessary, shall be furnished at the licensee's place of amusement, the expense to be paid by the licensee.

Detail of firemen and policemen.

Adopted by the Board of Aldermen, February 24, 1903, and amended December 21, 1904.

JOINT RULES AND ORDERS OF THE CITY COUNCIL.

Section.

1. Committees, joint standing, list of; of whom composed.
2. Committees, joint, number of from common council to be one greater than from aldermen.
3. Chairmen of committees, who to be.
4. In votes, commands to be expressed by "Ordered"; opinions, principles, facts, and purposes by "Resolved."
5. Non-concurrence, notice and proceedings in case of.
6. Disagreement, committee of conference to be appointed in case of, etc.
7. Papers in matters before either board, as to transmittal of, etc.; papers on their passage to be signed by clerks or presiding officers.
8. Messages from one board to the other to be in writing.
9. Proposal to fix time of next meeting, question on to have precedence.
10. Reports of committees may be made to either board.
11. Committees not to act by separate consultation; reports of,

Section.

- except minority, not to be received unless agreed upon in committee actually assembled.
12. Committees, joint, when to report.
13. Chairmen not to audit or approve bills or accounts for supplies or services not ordered or authorized by their respective committees.
14. Reports, etc., submitted, requirements as to writing of etc.; clerks of boards to make copies of papers to accompany, when requested, etc.
15. In convention, restriction as to business to be transacted.
16. Resolutions, joint, method and stages of passage of.
17. Ordinances before second reading to be referred, etc.
18. Ordinances, method and stages of passage of.
19. Expenditures, restrictions upon authorizing after annual appropriations; city debt, restrictions as to creating.
20. Election of salaried officers.

Joint standing
committees;

list of;

SECTION 1. At the commencement of the municipal year, the following joint standing committees shall be chosen or appointed by their respective boards.

1. A committee on finance, to consist of the mayor, one alderman, the president and two members of the common council.

2. A committee on streets and sidewalks.

3. A committee on city property.

4. A committee on the pauper department.

5. A committee on fire department.

6. A committee on lighting streets.

7. A committee on education.

8. A committee on printing, to consist of the mayor, the president and one member of the common council.

Each of said committees shall consist of two aldermen and three members of the common council, except when it is otherwise ordered.

of whom composed.

SECT. 2. In all joint committees, the number of members from the common council shall be one greater than the number from the board of aldermen.

Joint committees, how constituted.

SECT. 3. The mayor shall be *ex officio* chairman of any joint committee of which he is a member, and of other joint committees the first named member of the board of aldermen; and in case of his resignation or absence, the next named member of the same board; and afterwards the member of the common council first in order shall call the meetings of the committee, and act as chairman.

Chairmen of committees, who to be.

SECT. 4. In all votes in which either or both branches of the city council express anything by way of command, the form of expression shall be "Ordered" (except only in the case of ordinances), and whenever either branch or both branches express opinions, principles, facts or purposes, the form of expression shall be "Resolved."

In votes, when to use "ordered"; when "resolved."

SECT. 5. When either board shall not concur with the other in any ordinance, order or resolution, sent from such other, notice of such non-concurrence shall forthwith be given, and the paper returned.

Non-concurrence, notice of to be sent other board.

SECT. 6. In every case of disagreement on any matter requiring the joint action of the two boards, if either board shall request a conference, and appoint a committee for that purpose, the other board shall appoint a committee to confer with them, and said committees shall meet and state to each other the reasons of their respective boards for or against the proposed action, and report to their respective branches.

Committee of conference in case of disagreement.

SECT. 7. Each board shall transmit to the other all papers on which any ordinance, joint order or resolution shall be founded, and all papers, on their passage between the two boards, shall be under the signature of their respective clerks or presiding officers.

What papers to be transmitted from one board to the other.

SECT. 8. Whenever messages between the two boards are transmitted by the messenger, they shall be in writing.

Messages between boards to be in writing.

SECT. 9. Either board may propose to the other for its concurrence a time for the next meeting of the city council, which subject shall have precedence over other business.

Proposal for time of next meeting.

Committees may report to either board.

Committees not to act by separate consultation, etc.

Report to be made on matters referred within two weeks;

who may call meeting of committee.

Chairman not to audit or approve bills.

Reports, etc., how written; copies.

In convention, restriction as to business transacted.

Resolutions, joint; method and stages of passage of.

Ordinances before second reading to be referred.

SECT. 10. The reports of all committees may be made to either board.

SECT. 11. No committee shall act by separate consultation, and no reports, except minority reports, shall be received, unless they shall have been agreed to in committee actually assembled.

SECT. 12. It shall be the duty of every joint committee to whom any subject shall be specially referred, unless otherwise ordered, to report thereon within two weeks, or at the next regular meeting, or ask for further time. If the chairman shall neglect to call a meeting of the committee within two weeks, any other member may call such meeting.

SECT. 13. No chairman of any committee shall audit or approve any bill or account against the city for any supplies or services which shall not have been ordered or authorized by the committee.

SECT. 14. All reports and other papers submitted to the city council shall be written in a fair hand, properly indorsed, and the clerks of the boards respectively shall make copies of any papers to be reported by committees at the request of the respective chairmen thereof.

SECT. 15. No business shall be transacted by the city council in convention, except such as shall have been previously agreed on, unless by unanimous consent.

SECT. 16. Every joint resolution shall have as many readings in each board as the rules of that board require, after which the question shall be on passing the same, and when the same shall have been passed, it shall be sent to the other board for concurrence, and when such resolution shall have so passed in each board, the same shall be enrolled by the clerk of the common council and examined by a committee of that board; and on being found by said committee to be correctly enrolled, without further reading or question, shall be signed by the president of the common council and sent to the other board, where a like examination shall be made by a committee of that board, and, if found correctly enrolled, the same shall be signed by the mayor.

SECT. 17. All ordinances, before being read a second time, shall be referred to the committee on ordinances, and, after being reported upon by said committee, shall be again read, after which several readings the question shall be on passing the same to be enrolled.

SECT. 18. Every ordinance shall have as many readings in each board as the rules of that board require, after which the question shall be on passing the same to be enrolled, and when the same shall have passed to be enrolled, it shall be sent to the other board for concurrence ; and when such ordinance shall have so passed to be enrolled in each board, the same shall be enrolled by the clerk of the common council, and examined by a committee of that board, and on being found by said committee to be correctly enrolled, the same shall be reported to the council, when the question shall be on passing the same to be ordained ; and when said ordinance shall have so passed to be ordained, it shall be signed by the president of the common council, and sent to the other board, where a like examination shall be made by a committee of that board, and, if found correctly enrolled, the same shall be reported to the board, and the question shall be on passing the same to be ordained ; and when the same shall have passed to be ordained it shall be signed by the mayor.

Ordinances,
method and
stages of passage
of.

SECT. 19. After the annual appropriations shall have been made, no subsequent expenditure shall be authorized for any object, unless provision for the same shall be made by a special transfer from some of the annual appropriations, or by expressly creating therefor a city debt ; but no such debt shall be created unless the order authorizing the same pass by the affirmative votes of two-thirds of the whole number of each branch of the city council, voting by yeas and nays.

Expenditures
and city debt,
restrictions, etc.

SECT. 20. All salaried officers which the city council have a right to choose, shall be chosen by viva voce vote.

Election of sala-
ried officers.

RULES AND ORDERS OF THE BOARD OF ALDERMEN.

Rule.

1. Order of business: 1—Roll call. 2—Reading journal. 3—Petitions, remonstrances, memorials. 4 — Nominations, appointments, elections. 5—Orders of the day, *i. e.*, unfinished business and communications from common council. 6—New business.
2. Ordinances, stages of passage prescribed; to have but one reading on same day.
3. Orders and resolutions imposing penalties or authorizing expenditures to have two readings; but only one on same day.

Rule.

4. Standing committees, what to be appointed.
5. Conduct of members during debate prescribed.
6. Suspension of rules must be unanimous.
7. Committees, mayor to appoint all, unless board otherwise determine.
8. Speakers, conduct of in addressing board and in debate prescribed.
9. Speaking, limitation as to times of, by members in debate.
10. Reconsideration, motion for, when to be in order for consideration.

Order of business.

FIRST. The order of business shall be as follows :—

1. The mayor shall, at the hour appointed for the meeting, call the board to order, and shall forthwith cause the roll to be called, and the names of the absentees recorded.

2. The journal of the previous meeting shall be read.

3. Petitions, remonstrances, memorials and all other business requiring the concurrence of the common council shall next be considered and disposed of.

4. Such nominations, appointments and elections, as may be in order, shall be considered and disposed of.

5. Unfinished business and such communications as may have been sent up from the common council shall be taken up.

6. New business may be introduced by any member of the board.

Ordinances, stages in passage of.

Only one reading same day.

SECOND. Every ordinance shall pass through the following stages before it shall be considered as having received the final action of this board, *viz.* : First reading, second reading, passage to be enrolled, passage to be ordained, and shall not have more than one reading on the same day.

Imposing penalties or authorizing expenditure,

THIRD. All orders or resolutions imposing penalties, or authorizing the expenditure or payment of money,

shall have two several readings before they shall be finally passed by this board, and shall not have more than one reading on the same day, except orders to authorize the printing of city documents.

orders, etc., to have two readings on different days.

FOURTH. Standing committees shall be appointed on enrollment, on elections and returns, on ordinances, and on sewers and drains.

Standing committees, list of.

FIFTH. No member shall be interrupted while speaking, but by a call to order, or for a correction of a mistake, nor shall there be any conversation among the members while a paper is being read, or a question stated from the chair.

Conduct of members during debate.

SIXTH. The foregoing rules and order of business shall be observed in all cases, unless suspended by a unanimous vote of the members present, for a specific purpose.

Suspension of rules must be unanimous.

SEVENTH. All committees shall be appointed and announced by the mayor, unless the board shall determine otherwise.

Committees to be appointed and announced by mayor.

EIGHTH. When any member is about to speak in debate, he shall rise in his place and respectfully address the presiding officer; shall confine himself to the question under debate, avoid personality, and sit down when he has done speaking.

Speakers, conduct of.

NINTH. No member shall speak more than twice to the same question without leave of the board; nor more than once till all other members choosing to speak shall have spoken.

Speaking, limitation as to times of.

TENTH. A motion for the reconsideration of a vote shall be in order for immediate consideration, if made by a member voting with the majority; or if notice be given by any member at the meeting at which the vote passed, it shall be in order at the next meeting, and not afterward, and a vote deciding a motion to reconsider shall not be reconsidered.

Reconsideration, motion for, when to be in order.

RULES AND ORDERS OF THE COMMON COUNCIL.

Section.

1. President to take the chair, call to order, cause roll to be called, and names of absentees recorded; if quorum be present, to cause minutes to be read and proceed to business.
2. To preserve order; may speak to points of order and decide them, subject to appeal by any two members; to appoint all committees not elective.
3. To rise in addressing the council, but may read sitting.
4. To put no question except upon motion seconded.
5. To declare all votes; if doubted, to require a count and announce result.
6. May call a member to the chair, and participate in debate; not to resume chair while question so debated is pending; to appoint chairman of committee of the whole.
7. Questions, order of propounding; on fixing sums and times, largest sum and longest time to be first put.
8. Questions stated, to be disposed of by vote, unless withdrawn before amendment, etc.
9. Motion to adjourn always in order; what motions not debatable.
10. Previous question, form of; when admissible; effect of.
11. Yeas and nays, to be taken on request of one-fourth of members present.
12. Right to the floor, president to determine, when two or more rise at once.
13. In absence of president, who to preside, etc.; conduct of members during debate, requirements as to.
14. Members not to be mentioned by name in debate; how may be designated.
15. No member to interrupt another while speaking, except,

Section.

- etc.; calls to order, how decided, etc.
16. Speaking, limitation as to number of times and duration of; priority of business, questions as to, not debatable.
17. Members not to stand while another is speaking, or pass before speaker, etc.
18. Motions, all to be reduced to writing if required.
19. Motions during debate, what in order; order of priority of; restrictions as to renewal of certain.
20. Reconsideration, motion for, when to be in order for consideration.
21. Voting; members, unless excused from, or privately interested, must vote.
22. Amendments foreign to the subject under consideration not to be admitted.
23. Motions and reports may be committed and recommitted at the pleasure of the council; order of taking question on motions to refer, etc.
24. Division of questions; if divisible, majority may order.
25. Reading of papers; when called for and objected to, council may determine as to.
26. Rules, as to suspension, alteration, or amendment of.
27. No member to be obliged to serve on more than three committees, nor as chairman of more than one, or to be on any having charge of matter of personal interest to him.
28. Order of business at regular meetings: 1--Petitions, remonstrances, and memorials. 2--Papers from the board of mayor and aldermen. 3--Unfinished business of preceding meetings. 4--Motions, orders, or resolutions. 5--Reports of committees. 6--Communications and reports from city officers.
29. Memorials and papers ad-

Section.

- dressed to the council, how presented, etc.
30. Standing committees, what to be appointed.
31. Committees, not to sit during sitting of council, without special leave, except committee on enrollment.
32. Committee of the whole, these rules to govern, except as to limitation of times of speaking.
33. Chairman, of appointive committees, member first named to be; of elective, the one having highest number of votes at election; in case of tie vote at election, members of committee to choose.
34. Ordinances, stages of passage of; to have only one reading on same day.
35. Orders and resolutions imposing penalties or authorizing expenditures to have two readings, but only one on same day.

Section.

36. Seats of members to be numbered and determined by lot; not to be changed without permission of president.
37. Committees to consist of three members unless otherwise ordered; no report to be received unless agreed upon in committee actually assembled; reports to be in writing.
38. Committees must report within two weeks after appointment of, or, etc.
39. Meetings of committees; other members of council may attend, but may not vote at.
40. Elections of salaried officers.
41. To keep minutes of proceedings, enter thereon accepted resolutions, notice reports and memorials, etc., by title only or brief description, etc.
42. To notify, in writing, chairmen, of appointment of their committees.

RIGHTS AND DUTIES OF THE PRESIDENT.

SECTION 1. The president shall take the chair precisely at the hour appointed for the meeting, call the members to order, and within ten minutes, or sooner if a quorum be present, he shall cause the roll to be called, and the names of the absentees recorded. The first business after the roll call shall be the approval of the records of the last meeting, which shall be approved without reading unless their reading be called for by some member.

Duties at opening meeting of council.

SECT. 2. He shall preserve order and decorum, may speak to points of order in preference to other members, and shall decide all such questions subject to an appeal to the council by any motion regularly seconded and no other business shall be in order until the question on the appeal shall have been decided. He shall appoint all standing committees, and all other committees not required to be elected by ballot, or which the council shall not vote so to elect.

Preservation of order, points of order, appeal from decisions; president shall appoint committees.

SECT. 3. He shall rise to address the council, to state facts or to put a question, but may read sitting.

Shall rise to address council, etc., may read sitting.

SECT. 4. He shall put no question to vote, except upon motion of some member, duly seconded. *Provided*, that in all matters coming down from the upper

Shall put no question except on motion seconded; exception.

board requiring concurrent action, the question shall be on concurring, and it may be put to a vote without motion.

To declare all votes, if doubted to require a count and announce result.

SECT. 5. He shall declare all votes, but if a member doubt the vote he shall require the members voting in the affirmative and in the negative without any further debate, successively to rise and stand until they are counted, and shall then announce the result ; but no decision shall be declared unless a quorum of the council shall have voted.

May call members to chair and participate in debate; shall appoint chairman of committee of the whole.

SECT. 6. He may call any member to the chair for a period of time not extending beyond an adjournment ; and when out of the chair the president may participate in any debate, but shall not resume the chair while the same question is pending ; and on going into a committee of the whole, he shall appoint the chairman. The president may state facts and give his opinion on questions of order without leaving his place.

Questions, order of propounding; naming sums and fixing times.

SECT. 7. Questions shall be propounded in the order in which they are moved, unless the subsequent motion be previous in its nature ; except that in naming sums and fixing times, the largest sum and the longest time shall be first put.

Motion stated to be disposed of unless withdrawn, etc.

SECT. 8. After a motion is stated by the president, it shall be disposed of by a vote of the council, unless withdrawn by the mover before an amendment or decision.

Motion to adjourn; what motions not debatable.

SECT. 9. A motion to adjourn shall always be in order ; that, and the motion to lay on the table, and questions of the order of business, shall be decided without debate. Whenever a subject is laid on the table it may be taken therefrom at any time thereafter.

Previous question.

SECT. 10. The previous question shall be in this form : "Shall the main question be now put ?" It only shall be admitted when demanded by a majority of the members voting, if a quorum be present ; and, until it is decided, shall preclude all amendment and debate of the main question ; and after the adoption of the previous question, the sense of the council shall forthwith be taken upon amendments reported by a committee, upon all pending amendments in their order, and then upon the main question.

Yeas and nays shall be taken on request of one member.

SECT. 11. The yeas and nays shall be taken on any question or motion upon the request of one of the members present.

SECT. 12. When two or more members rise at the same time, the president shall name the member who is entitled to the floor.

Right to floor, president to determine.

RIGHTS AND DUTIES OF MEMBERS.

SECT. 13. In the absence of the president the senior member in point of service, present, shall call the council to order, and preside until a president *pro tempore* shall be chosen by ballot; and if an election is not effected on the first trial, on a second ballot a plurality of votes shall elect. When any member is about to speak in the council, he shall rise in his place and respectfully address the presiding officer, confining himself to the question under debate, avoid personality, and sit down when he is finished. No member shall speak out of his place without leave of the president.

In absence of president who to preside;

conduct of members during debate.

SECT. 14. No member shall be mentioned in debate by his name, but may be described by the place he occupies, or such other designation as may be intelligible and respectful.

Members not to be mentioned by name during debate.

SECT. 15. No member speaking shall be interrupted by another, but by a call to order, or to correct a mistake. If any member in speaking or otherwise, transgresses the rules of the council, the president shall, or any member may call him to order. The member called to order shall thereupon immediately sit down, unless permitted to explain, and the council, if appealed to, shall decide the case. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise he shall not proceed without the leave of the council.

No member to interrupt another during debate; exception.

SECT. 16. No member shall speak more than twice to the same question, or more than once until other members choosing to speak shall have spoken, or more than ten minutes at each time, without obtaining leave of the council.

Speaking, limitation as to times and duration of, questions as to priority of business.

SECT. 17. While the president or any other member is speaking, no one shall stand up or pass unnecessarily before the person speaking.

No member to stand up while another is speaking, etc.

SECT. 18. Every motion shall be reduced to writing, if the president directs or any member requests it.

Motion to be reduced to writing if requested.

SECT. 19. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, or to postpone indefinitely—

Motions, what allowable; priority of.

which several motions shall have precedence in the order in which they are arranged, and no motion to postpone or commit shall be allowed twice on the same day, in the same stage of the ordinance or proposition.

Motion for reconsideration, when in order.

SECT. 20. A motion for the reconsideration of a vote shall be in order for immediate consideration if made by a member voting with the majority; or if notice be given by any member at the meeting at which the vote passed, it shall be in order at the next meeting, and not afterward, and a vote deciding a motion to reconsider shall not be reconsidered.

Every member to vote unless excused, etc.

SECT. 21. Every member who shall be in the council when a question is put shall give his vote, unless the council, for special reasons excuse him, or unless his private interests are involved therein.

Amendments foreign to subject not admissible.

SECT. 22. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

Motions to commit, order of procedure.

SECT. 23. All motions and reports may be committed or recommitted at the pleasure of the council. And when a motion is made to refer the subject, and different committees are proposed, the question shall be taken in the order following:—

A standing committee of the council.

A select committee of the council.

A joint standing committee.

A joint select committee.

Division of question.

SECT. 24. All questions shall be divided when the sense will admit of it, if called for by any member of the council.

Reading of papers.

SECT. 25. The reading of a paper, when called for and objected to, shall be determined by a vote of the council.

Suspension, repealing, or amending of rules.

SECT. 26. No rule or standing order of the council shall be suspended, unless all of the members present consent thereto; nor shall any rule or order be repealed or amended unless notice of the proposed repeal or amendment was given at the next preceding meeting, nor unless a majority of the whole council concur therein.

No member obliged to serve on more than three committees, etc.

SECT. 27. No member shall be obliged to serve on more than three committees at the same time, nor be chairman of more than one, nor be on any committee having in charge matter touching his individual interest.

SECT. 28. At each regular meeting of the council the order of business shall be as follows :—

1. Presentation of petitions, remonstrances and memorials.
2. Papers from the board of mayor and aldermen.
3. Unfinished business of preceding meetings.
4. Motions, orders or resolutions.
5. Reports of committees.
6. Communications and reports from city officers.

Order of business.

COMMUNICATIONS, COMMITTEES, REPORTS, RESOLUTIONS, ETC.

SECT. 29. Memorials or any other papers addressed to the council shall be presented by the president or by a member in his place who may explain the subject thereof ; they shall be read by the president, clerk, or other such person as the president may request, and shall be taken up in the order in which they were presented, unless the council shall otherwise direct.

Memorials and papers addressed to council, how presented, etc.

SECT. 30. Standing committees shall be appointed on ordinances, on enrollment and on elections and returns.

Standing committees, what to be appointed.

SECT. 31. No committee shall sit during the sitting of the council without special leave, except the committees on ordinances and enrollment.

Committees not to sit during session of council ; exception.

SECT. 32. The rules of proceeding in the council shall be observed in the committee of the whole, so far as they may be applicable, except the rule limiting the times of speaking.

Rules to be observed in committee on the whole.

SECT. 33. When a committee is nominated by the president, the person first named shall be the chairman unless the president himself is a member of that committee, in which case he shall be chairman. In elections of committees by ballot when the chairman is not especially chosen, the person having the highest number of votes shall act as chairman ; and in case of an equality of votes between two or more members of a committee, the members thereof shall choose a chairman.

Chairman of committee, who to be.

SECT. 34. Every ordinance shall pass through the following stages before it shall be considered as having received the final action of this board, viz. : First reading, second reading, passage to be enrolled, passage to be ordained ; but no ordinance shall have more than one reading on the same day.

Ordinances, stages of passage ; only one reading same day.

Orders, etc., imposing penalties or authorizing expenditures to have two readings; only one same day; exception.

SECT. 35. All orders and resolutions imposing penalties or authorizing the expenditure or payment of money whether the same shall have been appropriated or not, and all orders or resolutions authorizing loans shall have two several readings before they shall be finally passed by this board; but they shall not have more than one reading on the same day, except orders to authorize the printing of any documents relating to city business.

Seats of members, how determined.

SECT. 36. The seats of the common council shall be numbered and determined by lot, and no member shall change his seat but by permission of the president.

Committees to consist of three; reports of committees.

SECT. 37. All committees of the council shall consist of three members, unless a different number shall be specially ordered, and no report shall be received from any committee unless agreed to in committee actually assembled; and all reports shall be in writing.

Committees to report in two weeks.

SECT. 38. It shall be the duty of every committee of the council, to whom any subject may be specially referred, to report thereon within two weeks, or at the next regular meeting, or ask further time.

Members of council may attend meetings of committees.

SECT. 39. Members of the council may attend meetings of any of its committees, but shall not vote thereat.

ELECTIONS.

Officers, how chosen.

SECT. 40. All salaried officers shall be chosen by *viva voce* vote. In all elections for salaried officers a time shall be assigned for such election at least one day previous thereto.

DUTIES OF THE CLERK, ETC.

Clerk, duties of.

SECT. 41. The clerk shall keep brief minutes of the votes and proceedings of the council, entering thereon all accepted resolutions, shall notice reports and memorials, and other papers submitted to the board, only by their titles, or a brief description of their purport.

Clerk to notify chairman of committees.

SECT. 42. The clerk shall notify in writing the chairman of each committee of the council of the appointment of such committee.

APPENDIX.

APPENDIX.

ACTS OF 1872, CHAPTER 130.

AN ACT TO ESTABLISH A FREE BRIDGE ACROSS THE CONNECTICUT RIVER, BETWEEN SPRINGFIELD AND WEST SPRINGFIELD.

Section.

1. County commissioners may construct highway and bridge across Connecticut river.
2. May provide that portion of bridge may be used for street railway.
3. To give notice of time and place for a hearing, before laying out, etc.
4. Damages.
5. Expense of maintaining and keeping in repair, to be borne by Springfield and West Springfield.
6. County commissioners to file in the clerk's office of S. J. C. the amount of cost of bridge.
7. Three commissioners may be appointed to apportion cost between Springfield

Section.

- and West Springfield ; award of commissioners to be binding upon all parties named therein ; compensation and expenses of commission.
8. Springfield and West Springfield to have care of bridge, and Springfield care of highway ; cost of repairs, etc., to be apportioned by commissioners.
9. Liability for defects in bridge and highway.
10. County commissioners may borrow \$150,000 on the credit of the county ; bridge not to be traveled upon, until expiration of right of Springfield Bridge Co. to take tolls.

Be it enacted, etc., as follows : —

SECTION 1. The county commissioners of Hampden county may, if in their opinion the public convenience and necessity require the same, lay out and construct a highway and bridge, with suitable approaches thereto, across the Connecticut river, from the easterly end of the common in West Springfield to some point in Springfield opposite thereto ; and may also lay out and construct a public highway, to connect the said bridge with the Plainfield road, so called, in said Springfield.

SECT. 2. Said commissioners may, if they deem it expedient, in constructing said bridge provide for the use of a portion thereof for street railway purposes, and shall at all times after the completion of said bridge have authority to determine upon what terms and under what conditions street railways may be laid and used upon and across said bridge.

SECT. 3. Before proceeding to locate said bridge and to lay out and establish said highway, the said commissioners shall give notice of the time when and the place at which they will meet to hear all parties interested, by causing a notice of such time and place to be published for two successive weeks in some newspaper published in said county.

SECT. 4. The said commissioners shall estimate and award damages, occasioned by the location of said bridge, and the laying out of said highway, in the same manner as is now provided by law in the case of laying out highways, and any person aggrieved by the award of said commissioners shall have a like remedy by application for a jury as in the case of laying out highways under the provisions of the General Statutes.

SECT. 5. All expenses incurred under this act, including all expense of maintaining and keeping in repair said bridge, its approaches and the said highway, shall be borne and paid by the city of Springfield and the town of West Springfield, in such proportions and in such manner as shall be determined under the following provisions.

SECT. 6. When such bridge and highway are completed and the full cost thereof ascertained, including therein all land damages awarded or assessed, said county commissioners shall file a report of the fact, together with the amount of such cost, in the office of the clerk of the supreme judicial court of the county of Hampden, whereupon, and upon the application of the county commissioners or any party interested, and after such notice as the court may order, said court may appoint a board of three commissioners, who shall be sworn to the faithful discharge of duties hereunder, to said county and to the cities and towns interested, served in such manner as the court may direct, and a hearing of such of said parties as may desire to be heard, shall award and determine what proportional part of the cost so reported, and what proportional part of the cost of maintaining and keeping said bridge and highway in repair, and all other expenses incurred under this act, shall be borne and paid by the city of Springfield and town of West Springfield as they shall award and determine will be specially benefited thereby, and they shall also award how and by whom and to whom such proportional amounts shall be paid.

SECT. 7. The determination and award of said commissioners, or a majority of them, shall be by them reported in writing to the supreme judicial court for said county, and upon the acceptance thereof by said court and judgment and decree entered thereon, shall be binding upon all parties named therein, and such proceedings may be had upon such judgment and decree to enforce and carry the same into effect as is provided by law in civil cases in said court.

The compensation and expenses of said commission shall be paid in such manner as they shall by their award determine, subject to the approval of the said court; and all matters and things provided by this act to be done in and by said court, except the final judgment and decree, may be done by any justice thereof as well in vacation as in term time.

SECT. 8. After the completion of said bridge and highway, the city of Springfield and the town of West Springfield shall have the care and superintendence of the said bridge, its abutments and piers, and the city of Springfield of the highway leading from said bridge to the Plainfield road, and shall cause them to be kept in good repair and safe and convenient for travel; the cost of the said repairs, care and superintendence to be borne by such parties as the said board of commissioners shall determine under the authority herein before granted.

SECT. 9. Liability for defects in the bridge, its piers and abutments, shall exist on the part of the town of West Springfield and the city of Springfield, in such proportions as by the award of said commission they severally pay towards the cost of keeping the same in repair; liability for defects in the highway leading from said bridge to the Plainfield road shall exist only upon the part of the city of Springfield.

SECT. 10. The county commissioners of said county may borrow on the credit of said county a sum not exceeding one hundred and fifty thousand dollars for the purpose of carrying into effect the provisions of this act.

The said bridge shall not be open for travel, and no travel shall be permitted thereon, until the expiration of the right of the Springfield Bridge Company to take tolls, as provided by its charter.

Approved, March 23, 1872.

ACTS OF 1872, CHAPTER 131.

AN ACT TO MAKE FREE THE EXISTING BRIDGE OVER THE CONNECTICUT RIVER, BETWEEN SPRINGFIELD AND WEST SPRINGFIELD.

Section.

1. Bridge between Springfield and West Springfield to be free, July 1, 1872.
2. Commissioners to award damages to be paid to proprietors of the Springfield Bridge, to be appointed by S. J. C.; commissioners to determine how damages shall be apportioned, and how and by whom cost of repairs, etc., shall be borne; proprietors of bridge may appeal to a jury.

Section.

3. Appeal to jury to be made to and acted upon by Worcester county commissioners; jurors; jury to report award to S. J. C. for Hampden county.
4. Bridge to be kept in repair, and cost thereof to be apportioned by commissioners.
5. Liability for defects in bridge.
6. Fee simple in toll-house, land, etc., vested in Hampden county.

Be it enacted, etc., as follows :—

SECTION 1. The bridge over the Connecticut river, between Springfield and West Springfield, including its piers and abutments, is hereby laid out and shall become a public highway on the first day of July next, and no tolls shall be demanded or received for passing thereon on or after that date.

SECT. 2. The supreme judicial court sitting in any county, or any justice thereof, after such notice as it may order upon the application of the proprietors of the Springfield Bridge, or of ten legal voters of Springfield or of West Springfield, shall appoint a board of commissioners consisting of three disinterested and suitable persons, not residents of the county of Hampden, and said commissioners, having been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all the parties interested, and a hearing, determine and award the amount to be paid to the said proprietors of the Springfield Bridge as damages for the laying out of said bridge, piers and abutments and way as a public highway, and for the land, toll-house and all appurtenances thereof belonging to the said company. Said commissioners shall also determine and decree what cities and towns in the county of Hampden are or will be specially benefited by the provisions of the first section of this act, and shall determine and decree what proportions of the damages aforesaid shall be paid by the said cities and towns, and by the county of Hampden, respectively. Said commissioners shall also determine in what proportions and manner the said county of Hampden, and cities and towns benefited as aforesaid, shall defray the expenses of the maintenance and repairs of said bridge, abutments, piers and way, and all other expenses properly incurred under the provisions of this act; and their determination and decree, or that of a major part of them, shall be made in writing, and reported to the supreme judicial court for the county of Hampden, and also to said proprietors of the Springfield Bridge, and to each of said cities and towns, and to the county commissioners of Hampden county; and the same shall be binding upon all the parties interested therein, except that the said proprietors of the Springfield Bridge may appeal to a jury from the award of the commissioners. And if the said corporation shall not appeal to a jury within sixty days after receiving the award and decree of said commissioners as aforesaid, then the same shall be absolutely binding upon all the parties interested therein. When the same shall have been accepted and judgment entered thereon by the supreme judicial court, the just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners may decree: *provided*, that no part thereof shall be assessed upon said bridge corporation.

SECT. 3 If the said bridge corporation shall appeal to a jury from the award of the said commissioners as aforesaid, their application for a jury shall be made to and acted upon by the county commissioners of Worcester county, and the jurors shall be drawn from said county, but the hearing may be had before said jury in the county of Hampden. In all other respects the same proceedings shall be had, and the same liability shall exist in regard to costs

incurred as is provided by law in the case of laying out highways by the county commissioners. The said jury may revise the award of said commissioners, so far as relates to the amount to be paid to the said bridge corporation, and shall report their award to the supreme judicial court for the county of Hampden, and when the same shall have been accepted final judgment shall be entered upon the award of the commissioners aforesaid as modified by the award of said jury. All damages awarded and costs incurred under this section, shall be paid by the same parties and in the same proportions as provided in relation to the payment of damages in section second.

SECT. 4. Upon the said bridge, piers, abutments and way becoming a highway as aforesaid, the city council of Springfield and the selectmen of West Springfield shall have the care and superintendence of the same, and cause them to be kept in good repair and safe and convenient for travel; the cost of repairs, care and superintendence of said bridge, its abutments and piers, shall be borne by such parties as the board of commissioners shall determine under authority hereinbefore granted.

SECT. 5. Liability for defects in the bridge, its abutments and piers shall exist on the part of Springfield and West Springfield, in such proportions as the county commissioners of the county of Hampden shall determine.

SECT. 6. Upon the bridge becoming a public highway, as herein provided, the fee simple in the toll-house, land and appurtenances thereof, belonging to the aforesaid bridge corporation, lying east of said bridge, shall be vested in the county of Hampden, and the income thereof, or the proceeds, in case of a sale thereof, shall be used in paying for said bridge.

SECT. 7. This act shall take effect upon its passage.

Approved, March 23, 1872.

ACTS OF 1873, CHAPTER 200.

AN ACT TO ESTABLISH A FREE BRIDGE ACROSS THE CONNECTICUT RIVER, BETWEEN SPRINGFIELD AND AGAWAM.

Section.

1. County commissioners may construct highway and bridge across Connecticut river, between Springfield and Agawam.
2. Estimation of damages.
3. Expenses of building and repairing bridge.

Section.

4. Expenses to be apportioned among cities and towns by commissioners appointed by S. J. C.
5. Liability of Springfield and Agawam for defects in bridge.
6. County commissioners may borrow \$100,000.

Be it enacted, etc., as follows :—

SECTION 1. The county commissioners of Hampden county, if in their opinion the public convenience and necessity so require, may lay out and construct a highway and bridge, with suitable approaches thereto, across the Connecticut river, at or near the ferry between the city of Springfield and the town of Agawam. The provisions of section twelve of chapter seventeen of the General Statutes, shall also apply to said commissioners, and before adjudication on the necessity of constructing such bridge, they shall give notice of a hearing to all parties interested, as in the case of laying out highways under the provisions of the General Statutes.

SECT. 2. The said commissioners shall estimate and award damages occasioned by the location of said bridge and the laying out of said highway, in the same manner as is now provided by law in the case of laying out highways ; and any person aggrieved by the award of said commissioners shall have a like remedy, by application for a jury, as in the case of laying out highways under the provisions of the General Statutes.

SECT. 3. All expenses incurred under this act, including all expense of maintaining and keeping said bridge in repair, shall be paid by such parties and in such proportions as shall be determined under the following provisions.*

SECT. 4. When such bridge and highway is completed, and the full cost thereof ascertained, including therein all land damages awarded or assessed, said county commissioners shall file a report of the fact, together with the amount of such cost, in the office of the clerk of the supreme judicial court of the county of Hampden,

* Cost of maintaining bridge apportioned by Acts of 1898, ch. 386, sect. 1, *post*.

whereupon, and upon the application of the county commissioners or of any party interested, and after such notice as said court may order, said court or a justice thereof in any county shall appoint a board of commissioners, consisting of three disinterested and suitable persons, not residents of the county of Hampden; and said commissioners having been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all the parties interested and a hearing, determine and decree what cities and towns in the county of Hampden are or will be specially benefited by the laying out and construction of said bridge and highway, and shall also determine and decree what proportions of the cost and expenses aforesaid shall be paid by said cities and towns respectively. Said commissioners shall also determine in what proportions and manner the said cities and towns, benefited as aforesaid, shall defray the expenses of maintaining and repairing said bridge and its appurtenances, not including any portion of the highway, which lies easterly of the abutment of the bridge in Springfield, or westerly of its abutment in Agawam, and also all other expenses properly incurred under the provisions of this act, including their own fees; and their determination and decree, or that of a major part of them, shall be made in writing and reported to the supreme judicial court for the county of Hampden; and when the same is accepted and judgment entered thereon by the court, it shall be binding upon all the parties interested therein.

SECT. 5. Liability for defects in the bridge and its abutments shall exist on the part of the city of Springfield and the town of Agawam, in such proportions as by the award of said commissioners they severally pay toward the cost of keeping the same in repair. Such portions of the highway laid out and constructed under this act as lie easterly of the abutment of the bridge in Springfield, and westerly of its abutment in Agawam, shall be maintained and kept in repair by the city or town in which they are, and said city or town shall be liable for defects upon the same, in the same manner as upon other highways within their limits.*

SECT. 6. The county commissioners of said county may borrow on the credit of said county, a sum not exceeding one hundred thousand dollars, for the purpose of carrying into effect the provisions of this act.

Approved, April 15, 1873.

* Provision as to liability for damages changed by Acts of 1898, ch. 386, sect. 2, *post*.

ACTS OF 1880, CHAPTER 236.

AN ACT RELATIVE TO THE APPORTIONMENT OF THE COST OF CONSTRUCTING AND MAINTAINING A BRIDGE OVER CONNECTICUT RIVER, BETWEEN AGAWAM AND SPRINGFIELD.

Section.

1. Commissioners to be appointed to apportion cost of constructing bridge over Connecticut river.

Section.

2. If special benefits do not equal the amounts paid, excess to be paid by county.

Be it enacted, etc., as follows:—

SECTION 1. At any time within six months from the passage hereof, the supreme judicial court or any justice thereof, upon the written application of the city of Springfield or town of Agawam, shall appoint a board of commissioners consisting of three suitable and disinterested persons, not residents of Hampden county, who having been duly sworn to the faithful and impartial discharge of their duties, shall after due notice to all parties interested and after a hearing determine and decree the amount of special benefits said city and town receive from the bridge over the Connecticut river constructed under the provisions of chapter two hundred of the acts of the year eighteen hundred and seventy-three.

SECT. 2. If said commissioners shall find that the special benefits of said bridge to said city and town do not equal the cost of the bridge including all land damages and expenses as they appear in the report of the county commissioners on file in the office of the clerk of the supreme judicial court for said county, then they shall determine and decree that said Hampden county shall pay to said city and town the amount that each has paid or become liable for on account of the construction of said bridge in excess of the benefit it receives therefrom; and their determination and decree or that of the major part of them shall be made in writing and reported to the supreme judicial court or any justice thereof; and when the same is accepted and judgment entered thereon by the said court it shall be binding upon all parties interested therein. Said commissioners shall also determine and decree who shall pay their reasonable fees and expenses.

SECT. 3. This act shall take effect upon its passage.

Approved, April 23, 1880.

ACTS OF 1898, CHAPTER 386.

AN ACT RELATIVE TO THE APPORTIONMENT OF THE COST OF MAINTAINING A BRIDGE OVER THE CONNECTICUT RIVER BETWEEN AGAWAM AND SPRINGFIELD.

Section.

1. Apportionment of expense of maintaining bridge.

Section.

2. Liability for damages.

Be it enacted, etc., as follows : —

SECTION 1. The expenses of maintaining and repairing the bridge and its appurtenances constructed under the provisions of chapter two hundred of the acts of the year eighteen hundred and seventy-three shall hereafter be paid by the city of Springfield and the town of Agawam in the following proportions, namely: Eighty-five per cent. by the city of Springfield and fifteen per cent. by the town of Agawam.

SECT. 2. Said city and town shall be respectively liable, under the limitations of the law, for damages resulting from defects in said bridge and its appurtenances, in the same proportions as they respectively pay towards the cost of maintaining and keeping the same in repair.

SECT. 3. This act shall take effect upon its passage.

Approved, April 29, 1898.

ACTS OF 1872, CHAPTER 345.

AN ACT TO SUPPLY THE CITY OF SPRINGFIELD WITH WATER.

Section.

1. Springfield to be supplied with water from Connecticut or Chicopee rivers.
2. To file in registry of deeds, description of land taken.
3. May build aqueducts, erect dams and reservoirs, and regulate the use of water.
4. Liability for damages ; parties dissatisfied may have a trial by jury.
5. Rights to be exercised by water commissioners ; compensation of commissioners.
6. "Springfield Water Bonds" may be issued, not exceeding \$1,000,000 at seven per cent. interest.

Section.

7. Rents for use of water to be fixed by commissioners.
8. If water is taken from Chicopee river, some reliable method for measuring water must be provided.
9. Penalty for unlawfully using water, wantonly diverting the same, or rendering it impure.
10. Occupant of tenement liable for water rent.
11. City may take franchise held by Springfield Aqueduct Co.
12. Water may be used to generate steam.
13. Existing rights not affected.
14. Subject to acceptance by vote of city.

Be it enacted, etc., as follows :—

SECTION 1. The city of Springfield may take, hold and convey into and through said city from the Connecticut river, at any convenient point within the limits of said city, or from the Chicopee river, at any convenient point within the limits of said city or the town of Wilbraham, sufficient water for the use of said city and inhabitants, for the extinguishment of fires, domestic and other purposes ; and may also take and hold by purchase or otherwise any lands or real estate necessary for laying and maintaining aqueducts or pipes, constructing or maintaining reservoirs, dams and such other works as may be necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water.

SECT. 2. The city of Springfield shall, within sixty days from the time they shall take any lands for the purposes of this act, file in the registry of deeds of the county and district in which such lands lie, a description of the lands so taken as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the water commissioners hereinafter named.

SECT. 3. The said city may make, build and lay down aqueducts and pipes from said sources to, into, through and about said city, and secure and maintain the same by any works suitable therefor ; may erect and maintain dams to raise and retain the

water taken ; may construct and maintain reservoirs within or without said city ; and may make, erect and maintain, and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said city ; may make and establish such public hydrants and fountains in such places in said city as may, from time to time, be deemed proper, and may prescribe the purposes for which the same may be used, and may change or discontinue the same ; may distribute the water throughout said city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto ; may regulate the use of said water, and establish, receive and collect the prices or rents to be paid therefor ; and said city may, for the purposes aforesaid, carry and conduct and maintain any aqueducts, pipes or other works, by them to be made, laid down or conducted over, under, through or across any water course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use thereof ; may enter upon and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

SECT. 4. [S. *Said city of Springfield shall pay all damages to which any persons or corporations are entitled, by reason of the taking of any lands, water, or water-rights, or by the construction or repairing of any dams, aqueducts or other works, for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the city upon the amount of such damages, they may have them assessed by the county commissioners for the county of Hampden, by making a written application therefor within one year after sustaining such damages ; and either party aggrieved by the doings of said commissioners in the estimation of said damages may have the same settled by a jury ; and if the damages are increased by the jury, the city shall pay all legal costs ; but otherwise, the said costs shall be paid by the party claiming damages ; and the said commissioners and jury shall have the same powers, and the proceedings shall in all other respects be conducted in the same manner as provided in case of taking land for highways.]

SECT. 5. The rights, powers and authority granted to the city of Springfield by this act, shall be vested in and exercised by a board of water commissioners†, consisting of five citizens of said city, who shall be elected by the legal voters of said city at an elec-

* Section 4 is superseded by Acts of 1873, ch. 75, § 3, *post* page 265.

† See Acts of 1873, ch. 75, § 6, *post* page 266.

tion which shall be legally ordered and held at the same time and date that the said city shall vote upon the acceptance of this act. The said commissioners shall serve until the first day of January of the year eighteen hundred and seventy-five. Thereafter the rights, powers and authority granted to the said city by this act shall be vested in and exercised by a board of water commissioners, consisting of three citizens of said city, who shall be chosen by the city council of said city, one for the term of one year from the first day of January in the year eighteen hundred and seventy-five, one for the term of two years, one for the term of three years, and annually thereafter one water commissioner shall be so chosen to serve for the term of three years.

Said commissioners shall receive such compensation as the city council of said city may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

SECT. 6.* For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said city shall issue coupon bonds, signed by the treasurer of said city, to be denominated "Springfield Water Bonds," to an amount not exceeding one million dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said city may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said city shall not raise more than twenty-five thousand dollars in any one year towards payment of the principal of said bonds, except the year in which the same may become due.

SECT. 7.† The said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor for the payment of the interest on said water bonds, and also after three years from the introduction of the water into said city, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. [R. The said water commissioners shall be trustees of said fund, and

* Powers under this section taken from commissioners and vested in city council. See Acts of 1873, ch. 75, § 6, *post*.

† Provisions as to sinking fund changed by Acts of 1891, ch. 152, *post*.

shall annually, and as often as the city council may require, render an account of all their doings in relation thereto.]*

SECT. 8. If the said city shall elect to take water from the Chicopee river, it shall be the duty of the water commissioners to provide some reliable means or method of measuring and registering the amount of water taken, as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water-rights in the waters of said river and said city, shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed upon the application of either party, by any justice of the supreme judicial court.

SECT. 9. If any person shall use any water taken under this act without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, taken or held by said city, pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority of and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

SECT. 10. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, if, on being notified of such use, he does not object thereto.

SECT. 11. The said city of Springfield shall take, hold and use, the franchise and all of the reservoirs, dams, pipes, hydrants and other property now owned and held by the Springfield Aqueduct Company, upon the payment by the said city to the said Springfield Aqueduct Company of such a sum as shall be mutually agreed upon by and between them; and in case they shall not so agree upon the sum to be paid, the same proceedings may be had as is provided in the fourth section of this act, for the payment of damages to any person or corporations injured by the taking of their lands, water or water-rights.

[R. SECT. 12. The water taken under this act shall not be used in any way as a motive power, except for generating steam.]†

* Clause inclosed in brackets repealed by Acts of 1873, ch. 75, § 6, *post*. Trustees to be chosen by city council when necessary.

† Sect. 12 is repealed by Acts of 1890, ch. 368, § 4.

NOTE.—The board of water commissioners as established by this act abolished and new board established by Acts of 1880, ch. 30, *ante* page 54.

SECT. 13. Nothing in this act shall be construed to affect any existing right of said city of Springfield to draw water from said rivers.

SECT. 14. This act shall take effect upon its passage, and shall become void unless accepted by a majority of the legal voters of the city of Springfield, present and voting thereon, at a legal meeting which shall be called in their several ward-rooms for that purpose, by the mayor and aldermen of said city, within sixty days from the passage of this act, at which meeting the check-list shall be used.*

Approved, May 6, 1872.

* Accepted by a vote of 1,292 yeas to 569 nays, at meetings May 28, 1872.

ACTS OF 1873, CHAPTER 75.

AN ACT TO AMEND AN ACT TO SUPPLY THE CITY OF SPRINGFIELD WITH WATER.

Section.

1. Springfield may take water from brooks in Ludlow.
2. May make reservoirs for collecting and storing water ; may unite with other parties in making structures for joint use.
3. Liability for damages ; parties dissatisfied may have a trial by jury.
4. May supply Chicopee and Chicopee

Section.

- Falls if water is taken from Chicopee river.
5. Vacancy in board of commissioners to be filled by city council.
6. Powers granted in 1872, 345, § 6, to be exercised by city council ; income, etc., from rents to be paid into city treasury ; sinking fund to be held by trustees.
7. Repeal.

Be it enacted, etc., as follows : —

SECTION 1. In addition to the sources of water-supply named in section one of chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two, the city of Springfield may, in accordance with the provisions of said act, take, hold and convey from Higher brook and Broad brook, so called, in the town of Ludlow, through Ludlow, Wilbraham and Springfield, sufficient water for the purposes mentioned in said act and the acts in addition thereto.

SECT. 2. The city of Springfield, by and through its board of water commissioners, if said board shall deem it expedient, may, for the purpose of collecting and storing water and equalizing the flow of water in the Chicopee river, make and maintain, upon or near said river or the streams flowing into the same, any reservoirs, dams or other suitable structures, and may take and hold, by purchase or otherwise, such real estate, water, water-rights or easements as may be necessary or convenient for that purpose ; and

said city may unite and agree with other parties interested in the water of said river in making and maintaining suitable works and structures for their joint use and benefit.

SECT. 3. Said city of Springfield shall pay all damages to which any persons or corporations are entitled by reason of the taking of any lands, water or water-rights, or by the construction or repairing of any dams, aqueducts or other works connected with its water-supply. In estimating such damages, allowances shall be made for any advantage which such persons or corporations may receive from the water supplied by means of compensating dams and reservoirs as herein provided.

If any persons or corporations sustaining damages as aforesaid cannot agree with said city upon the amount of such damages, they may have them appraised by the county commissioners for the county of Hampden, by making a written application therefor within one year after sustaining such damages ; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury ; and if the damages are increased by the jury, the city shall pay all legal costs ; but otherwise, the said costs shall be paid by the party claiming damages ; and the said commissioners and jury shall have the same powers, and the proceedings shall in all respects be conducted in the manner provided in the case of taking land for highways. If any persons or corporations suffer damage by reason of the failure of said city at any time to maintain the compensating dams and reservoirs originally provided, they may, upon application to the county commissioners, have a new appraisal of damages, subject to a like appeal to a jury.

SECT. 4. In case the Chicopee river, or any of its branches is selected as the source of water-supply for the city of Springfield, said city, with the written consent of the selectmen of Chicopee, duly authorized thereto, by a vote of the town, at a meeting called for that purpose, may supply the villages of Chicopee and Chicopee Falls, or either of them, with water, upon such terms and conditions as may be agreed upon by and between the water commissioners of said city and the selectmen of said town ; and for that purpose may take and hold real estate necessary therefor, and extend its pipes, and with such consent, dig up and open any street or way in said town for placing and maintaining such pipes and aqueducts as may be necessary for the purposes set forth in this section.

SECT. 5. In case a vacancy at any time exists in the board of water commissioners of said city of Springfield, by reason of death, resignation or otherwise, a citizen of Springfield shall be elected by a joint vote of the city council of said city to fill such vacancy.

NOTE.—The board of water commissioners referred to in this act abolished and new board established. Acts of 1880, ch. 30, *ante* page 54.

SECT. 6. The rights, power and authority granted in section six of chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two, shall be exercised by the city council of the city of Springfield, and not by the board of water commissioners; and all moneys expended and liabilities incurred under authority of said chapter and of this act, shall be paid from the city treasury upon proper vouchers, approved by said board of water commissioners. The income and receipts from rents for the use of water, shall be paid by the water commissioners, from time to time, and as often as once in six months, into the city treasury, and the surplus thereof, after paying all necessary expenses of maintaining the aqueduct and conducting the business, shall be used for the same purposes as provided in section seven of said chapter. The sinking fund created by said section shall be held by three trustees, to be chosen by the city council at such times and for such terms as said city council may determine, and said trustees shall annually, and as often as said city council shall require, render an account of all their doings in relation to said fund.*

SECT. 7. All acts and parts of acts inconsistent herewith, are repealed.

SECT. 8. This act shall take effect upon its passage.

Approved, March 14, 1873.

NOTE.—See Acts of 1880, ch. 30, *ante* page 54.

*Sinking fund to be held by sinking fund commissioners. See Acts of 1891, ch. 152, *post*.

ACTS OF 1874, CHAPTER 208.

AN ACT TO AMEND AN ACT TO SUPPLY THE CITY OF SPRINGFIELD WITH PURE WATER.

Section.

1. Springfield may convey water from Belchertown and Ludlow.

Section.

2. City to pay damages for taking land or water-rights; see 1873, ch. 75, § 3.

Be it enacted, etc., as follows:—

SECTION 1. In addition to the sources of water-supply named in section one of chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two, and chapter seventy-five of the acts of eighteen hundred and seventy-three, the city of Springfield may, in accordance with the provisions of said acts, take, hold and convey from Broad brook within the limits of the town of Belchertown, the water of said brook to any pond or reservoir of the said city in the town of Ludlow or elsewhere.

And they may in the manner aforesaid take or hold any lands within the limits of the town of Belchertown aforesaid needed for reservoir-dams and canals, to store and convey the waters from said brook to said reservoir, and in addition thereto, they may take so much land upon both sides of said brook within the limits of said town of Belchertown as the board of water commissioners of the city of Springfield may deem expedient, for the purpose of preserving the purity of the waters of said brook.

SECT. 2. Said city shall pay all damages to which any person or corporation is entitled by reason of the taking of any land, water, or water-rights, under the provisions of this act, the same to be estimated and determined in the same manner, and subject to the like limitations as are provided for the estimate and payment of the like damages, by the provisions of said chapter seventy-five of the year eighteen hundred and seventy-three.

SECT. 3. This act shall take effect upon its passage.

Approved, April 28, 1874.

ACTS OF 1874, CHAPTER 243.

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO ISSUE ADDITIONAL WATER FUND BONDS.

Section.

1. Springfield may issue additional water bonds, not exceeding \$200,000. See 1873, ch. 75, § 6.

Be it enacted, etc., as follows:—

SECTION 1. The city council of the city of Springfield may for the purpose mentioned in chapter three hundred and forty-five of the acts of eighteen hundred and seventy-two, and chapter seventy-five of the acts of eighteen hundred and seventy-three, issue bonds to an amount not exceeding two hundred thousand dollars, in addition to the amount therein authorized to be issued, upon like terms and conditions and with like powers in all respects as are provided in said acts for the issue of bonds of said city.

SECT. 2. This act shall take effect upon its passage.

Approved, May 18, 1874.

ACTS OF 1879, CHAPTER 147.

AN ACT TO PRESERVE THE PURITY OF THE WATER SUPPLY OF THE CITY OF SPRINGFIELD.

Section.

1. Fish not to be taken from reservoir without consent of commissioners.

Section.

2. Boats not to be put in reservoirs without consent, etc.
3. Penalties.

Be it enacted, etc., as follows:—

SECTION 1. No person shall take any fish from any reservoir or canal held or owned by the city of Springfield for the purpose of supplying the inhabitants of said city with water, without the permission of the board of water commissioners of said city.

SECT. 2. No person shall put or place any boat in or upon the waters of any of the reservoirs or canals aforesaid, without the permission of said board of water commissioners.

SECT. 3. Whoever violates any provisions of this act shall be punished by a fine of not less than two nor more than fifty dollars, to be recovered on complaint before any court of competent jurisdiction.

SECT. 4. This act shall take effect upon its passage.

Approved, March 25, 1879.

ACTS OF 1889, CHAPTER 368.

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO ISSUE ADDITIONAL WATER BONDS AND TO SUPPLY THE TOWN OF LUDLOW WITH WATER FOR CERTAIN PURPOSES.

Section.

1. May issue coupon water bonds; sinking fund.
2. Subject to a two-thirds vote of the city council.
3. To raise by taxation, etc., sufficient for payment of interest, etc. New distribution mains.
4. Repeal of Acts of 1872, ch. 345, sect. 12.

Section.

5. If water main is laid in Ludlow, the city of Springfield shall not interfere with use of streets, etc., further than necessary to perform the work. Towns to take water for watering troughs, cemeteries, hydrants, etc. Water facilities to be furnished along line of works.

Be it enacted, etc., as follows:—

SECTION 1. The city of Springfield, acting by its city council, is hereby authorized to issue coupon water bonds, to be signed by

its treasurer and its mayor, to an amount not to exceed four hundred and fifty thousand dollars, payable at a period not to exceed forty years from their date, with interest payable semi-annually at a rate not to exceed four per centum per annum, for the purpose of raising money with which to pay for a new and additional water main from its source of water supply in Ludlow, in the county of Hampden, to and into said city. The sinking fund provisions of chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two and of all acts in amendment thereof shall, so far as applicable, apply hereto.

SECT. 2. Said main shall not be constructed, nor any contract relating thereto made, until the said city council shall by a two-thirds vote authorize the issue of said bonds ; and such issue shall not be authorized in excess of the amount which said city council shall determine to be necessary for the construction of a main of such a size as said council shall by such vote authorize the board of water commissioners of said city to lay.

SECT. 3. The city council of said city shall annually include in the appropriation of money to be raised by taxation such a sum as it shall determine will be required during the then municipal year to meet the interest on the Springfield water bonds and on bonds issued under the authority hereof, that shall not be met by the estimated net income of the water department ; and in estimating said net income, all expenses of said department, including the estimated cost of new distribution mains to be laid during such year, shall be taken into account ; and said city council shall annually determine what sum of money shall be expended by the water commissioners for new distribution mains.

SECT. 4. Section twelve of said chapter three hundred and forty-five is hereby repealed.

SECT. 5. If the water main authorized to be laid by this act shall be laid in said town of Ludlow, said city of Springfield shall not interfere with the use of the streets or public ways in said town, by taking up the same or otherwise, further than is necessary to the performance of said work, and said city shall leave such streets or ways after completion of said work, and after the settling of any ditches or excavations made in the course of said work, in as good condition and repair as the same were in before said work was begun ; and shall be liable to the same extent that said town might be held liable for any damage caused by any defect created by said city in such streets or ways ; and shall furnish such police protection as is necessary to the preservation of the public order and security along the line of said works during the prosecution thereof ; and said city shall allow said town to take from said main sufficient water for the supply of a watering trough at Ludlow Center and at Ludlow Village, so called, and

for the supply of the two cemeteries in said town to the extent heretofore used therein, without charge ; and shall provide at the expense of said town for connections for hydrants, not exceeding six in number, to be used for fire purposes only, and to be erected by said town at such places on the line of its works as may be designated by the selectmen before the laying of said pipe, and shall furnish a supply of water for the same without charge ; and said city shall also furnish to residents of said town along the line of its works, and may furnish in any place where connection with said works now exists, the same privileges and facilities in and for the use of its water that are furnished to the residents of said city of Springfield, so long as it can do so without injury to said city. The provisions of this section may be enforced by injunction or other appropriate process by any court possessing equity jurisdiction.

SECT. 6. This act shall take effect on the first day of January next.

Approved, May 24, 1889.

ACTS OF 1890, CHAPTER 303.

AN ACT TO PROVIDE AN ADDITIONAL WATER SUPPLY FOR THE CITY OF SPRINGFIELD.

Section.

1. City may increase its water supply, water from Jabish brook in Belcher-town, etc. May erect dams and reservoirs, lay down conduits, etc.
2. A description of land taken to be recorded in registry of deeds. Method of measuring water. Amount of water decided to be taken to be recorded.
3. May take all water below Dorman's mill. When city changes its method of taking water, new certificate to be recorded.
4. Value for manufacturing purposes to be

Section.

- determined by actual quantity of water taken. Deduction for waste of water.
5. Water compensation for mills on Chicopee river. City to pay damages for taking land.
6. City may erect storage reservoirs.
7. Rights of riparian owners on brook above land taken not to be affected.
8. City may issue bonds.
9. Taxation of lands acquired in Belcher-town. Collection and abatement of taxes.

Be it enacted, etc., as follows:—

SECTION 1. The city of Springfield, acting by its board of water commissioners, may, from time to time by purchase or otherwise and for the purpose of increasing its water supply, take, hold and convey to and into its system of water supply at any point thereof the water of any or all of the ponds, with the land thereunder, and the springs, surface and underground currents tributary thereto, which are located in said Springfield northerly of the north branch of Mill river, so called ; and may, for the purpose of increasing its

water supply during the months of June, July, August, September and October in each year, take, hold and convey as aforesaid during such months from any convenient point on Jabish brook below Dorman's mill in the town of Belchertown, to an amount to be established in the way hereinafter provided, such a part of the water of said brook as shall be determined by said board to be necessary for the supply of said city with water during all of the said months for the purposes now authorized by law ; and may by purchase or otherwise, for the purpose of increasing said water supply during all said months, take all of said water of said brook below said Dorman's mill, and may by purchase or otherwise take any and all lands, property, rights of way and easements that may be necessary for holding, storing, preserving and conveying any of said water as aforesaid and for carrying out the objects of this act ; and may erect on any lands so taken proper dams, reservoirs, fixtures, structures, machinery and apparatus, may make such excavations and provide such other means as may be necessary or advisable for said purpose ; and may construct and lay down such conduits, canals, pipes or other works, under, through or over any lands, water-courses, railroads and public and private ways, as may be necessary or advisable for said purposes ; and for all proper purposes of this act may dig up any such lands and, under the direction of the board of selectmen of said town, may enter upon and dig up any such public ways in said town, and may dig up any such ways in said Springfield, in such a manner as to cause the least hindrance to public travel ; and shall hold the town in which such ways are located harmless from all liability to parties claiming damages from any cause resulting from its acts.

SECT. 2. Said city of Springfield shall, within sixty days after taking any rights of way, easements, land or property for any of the purposes herein authorized, or taking the water of all or any of said ponds with the land thereunder or the springs and currents tributary to such ponds, file and cause to be recorded in the registry of deeds for the county in which any such land, rights of way, easements, ponds or property taken are situated, a description of such land, rights of way, easements, ponds or property sufficiently accurate for identification ; which description shall be signed by said board ; and if said city shall elect to take by measurement as herein provided any of the water of said Jabish brook for the supply of said city during said five months it shall file in the registry of deeds for the county of Hampshire, within sixty days after it shall have so elected, a statement in writing, signed by said board, setting forth that it has elected to take such water by measurement under the provisions of this act and in the way herein provided ; and upon the filing of said statement as aforesaid said city may proceed, under the authority hereinbefore given, to take any

and all land, rights of way, easements and property, and to erect any and all structures, machinery and apparatus, and do any and all acts necessary or advisable for the diversion and use of the water of said Jabish brook by measurement as herein authorized ; and it shall provide a suitable method of measuring any water that it shall divert from said brook, which method shall be open to the inspection of any party interested and may be fixed by one or more civil engineers to be appointed, upon the application of any party interested, after due notice and hearing, by any justice of the superior court. Said city, if it takes said water by measurement, shall, by the vote of its board of water commissioners, before diverting any of the water of said brook, determine annually the daily quantity of water it elects to divert from said brook during said period of five months ; and shall, before diverting the same, file in the registry of deeds for Hampshire county a certificate signed by said board stating the daily quantity of water said city has determined to take and divert as aforesaid ; and the filing of said certificate shall be deemed to be the taking and appropriating of the quantity of water therein stated for the period therein named ; but said city shall not be liable for damages by reason of the taking and appropriation as aforesaid nor shall any proceedings for the recovery of such damages be maintained until such period of five months shall have expired.

SECT. 3. Said city, acting by said board, may, for said purpose at any time, take all of the water of said brook at any convenient point below said Dorman's mill during all of said months in each year ; and may, at any time, take all of the water of said brook and its tributaries at any convenient point below said mill for the permanent and constant increase of its said water supply ; and any election which shall be made by said city, as to the quantity of water it will take and the time during which it will take the same, shall not deprive said city of the right to thereafter take said water in any way authorized by this act and differing from that under which said city may have been taking said water ; but whenever said city shall change its method of taking said water and make a new election under the authority thereof, or if it shall take all of the water of said brook, it shall file in the registry of deeds for said county of Hampshire a new certificate as aforesaid, setting forth what quantity of water and for what time it has decided to take the same, and the filing of said certificate shall be deemed to be the taking of the water therein determined ; but no damages therefor shall be recovered until the water has actually been diverted.

SECT. 4. In estimating the value for manufacturing purposes or the creation of power, of any water taken hereunder by said city, the actual quantity of water to be diverted, withdrawn and

conveyed away from said brook only shall be considered ; and in no event shall said city be held liable for the value for manufacturing purposes of more water than is actually diverted if the same is taken by measurement as herein provided, or for more water than the construction of the works provided for the conveying of said water will admit of being diverted and withdrawn from the natural flow of said brook, if said water is not taken by measurement as aforesaid. Such quantities of water as may be taken from said brook by said city in times of freshet or flood, or whenever there is a wastage or surplus of water flowing over the dams in the course of said brook below the point of intaking of said city, shall not be charged against said city in estimating and determining damages caused to mill owners and manufacturing corporations by the diversion of said water by the said city of Springfield under the authority of this act, unless actual damage resulting therefrom is shown. If any measurable portion or part of the water withdrawn from said brook by said city at the point of intaking shall at any time during its conveyance through the towns of Belchertown and Ludlow or after its reception in any storage reservoir or basin of said city, or if any measurable quantity or quantities of water from any source or sources owned and controlled by said city shall be wasted or discharged from the works of said city and restored to any water-course through which the water diverted and withdrawn from said Jabish brook would have naturally flowed had it not been withdrawn and diverted, such quantity or quantities of water shall be deducted from the amount withdrawn from said Jabish brook at the point of intaking in estimating the damages to which any persons or corporations below the point of restoration of said water may be subjected ; and the quantity of water being drawn during the different hours of the day shall be taken into consideration.

SECT. 5. Said city shall, for the purpose of a water compensation to any parties owning or operating mills or mill privileges on Chicopee river for any water of which they may be deprived by the taking of any of the water of Jabish brook as aforesaid, cause to be released daily, whenever the same can be done without detriment to the supply of water required for its own uses, from Cherry valley reservoir into the old bed of Broad brook, a quantity of water not less than that being taken from said Jabish brook, and the value thereof shall be considered in the estimation of any damages claimed by said parties ; and said parties may by appropriate remedy compel said city to thus release said water. Said city shall pay all damages suffered by any person in his property by the taking of any land, rights of way, easements, water rights or property as hereinbefore provided, or from any other acts done under the authority hereof, but no damages shall be recovered

from the taking of water until the water is actually diverted. Any damages suffered shall be assessed and determined in the way and manner provided by law when land is taken for the laying out of highways, and all proceedings for the recovery of damages shall be brought within and not later than three years after the right of action accrues ; and if said city shall take said water by measurement as hereinbefore provided, any depreciation in the value of the property of any person by reason of any uncertainty in the flow of said brook that shall result from such taking, shall be considered in the first petition brought by any person for damages.

SECT. 6. Said city is authorized to erect at any point on said Jabish brook below the point from which it shall divert any of the water thereof and above the junction of said brook with Swift river, so called, storage reservoirs for the storage of water to compensate any owner of mills or mill privileges for any water of which such owner may be deprived by reason hereof ; and the benefit such owner may receive thereby shall be taken into consideration in estimating any damages he may suffer under any acts done under the authority hereof ; and for the purpose of the erection of said reservoirs said city may, in the way hereinbefore provided for the taking of other lands, take any and all lands, ways and other property necessary therefor, and erect thereon any and all dams and other structures required for the construction of such reservoirs.

SECT. 7. The provisions hereinbefore contained shall not be construed to affect or restrict the right of riparian proprietors on said Jabish brook above the land taken and used for the purposes of this act to use said brook for any purpose authorized by law ; nor as preventing the use of the water of the brook for the purpose of supplying the town of Belchertown with water for fire and domestic purposes.

SECT. 8. Said city, acting by its city council, is hereby authorized, for the purpose of raising money with which to meet any part of any expense or liability which may hereafter accrue by reason of any acts done under the authority of this act, to issue coupon water bonds, to be signed by the treasurer and the mayor, to an amount not to exceed the sum of two hundred and fifty thousand dollars, payable at a period not to exceed forty years from their date, with interest payable semi-annually at a rate not to exceed four per centum per annum ; to which bonds the sinking fund and water bond provisions of chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two and of all the acts in addition thereto and in amendment thereof shall apply.

SECT. 9. All lands in Belchertown which shall be acquired by said city under the authority hereof shall continue liable to taxation by said town at a valuation not exceeding the assessed value

thereof by the assessors of said town for the year eighteen hundred and eighty-nine, and the valuation of such lands for the purposes of taxation shall not be affected by the flowage thereof or their use for the purposes of this act. Taxes assessed on said lands shall not constitute a lien thereon, but if the same shall remain unpaid for a period of thirty days after written demand for the payment thereof the collector of taxes for said town may bring suit to recover said tax. Said city may at any time prior to the bringing of such suit apply to the county commissioners for Hampshire county in the way and manner provided by statute in other cases of application for abatement of taxes ; and if such application is made such suit shall not be brought until such application is decided. Such suit shall be brought within two years after the tax is committed to the collector for collection.

SECT. 10. This act shall take effect upon its passage.

Approved, May 20, 1890.

ACTS OF 1891, CHAPTER 152.

AN ACT RELATING TO THE SINKING FUND FOR THE PAYMENT OF THE WATER BONDS OF THE CITY OF SPRINGFIELD.

Section 1. Sinking fund may be held by commissioners.

Be it enacted, etc., as follows :—

SECTION 1. The sinking fund required by section seven of chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two and by any acts in amendment thereof or in addition thereto may, at the election of the city council, be held by any commissioners of the sinking funds of said city that shall be established and elected under the provisions of chapter twenty-nine of the Public Statutes instead of being held by trustees as is provided in section six of chapter seventy-five of the acts of the year eighteen hundred and seventy-three ; and if so held the provisions of said chapter twenty-nine relating to such commissioners and to the care, custody and management of the fund shall apply thereto.

SECT. 2. This act shall take effect upon its passage.

Approved, March 30, 1891.

ACTS OF 1902, CHAPTER 242.

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO REFUND A PART
OF ITS WATER DEBT.

Section.

1. City of Springfield may issue bonds to
refund its water debt.

Section.

2. Payment of loans, etc.

Be it enacted, etc., as follows:—

SECTION 1. The city of Springfield, by vote of its city council, is hereby authorized to issue bonds to an amount not exceeding two hundred and fifty thousand dollars, for the purpose of refunding a part of its indebtedness at present existing as a water loan, and maturing on the first day of April in the year nineteen hundred and three. The bonds issued under the provisions of this act shall be made payable not more than ten years from the date of issue, shall bear interest at a rate not exceeding three and one half per cent per annum, and shall not be reckoned in determining the limit of indebtedness of the city fixed by law. They shall be signed by the treasurer and countersigned by the mayor and auditor of the city, and may be sold or negotiated at public or private sale, and the proceeds shall be used in payment of water bonds of the city falling due on the first day of April in the year nineteen hundred and three ; but no purchaser shall be responsible for the application of said proceeds.

SECT. 2. The city council of said city shall include each year in the appropriation of money to be raised by taxation such a sum as it shall determine will be required during that municipal year to meet the interest on the Springfield water bonds and on bonds issued under authority hereof, which will not be met by the estimated net income of the water department ; and in estimating such net income all expenses of said department, including the interest upon its bonds and the estimated cost of new distributing mains to be laid that year, shall be taken into account. The sinking fund provisions of chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two and of all acts in amendment thereof shall, so far as they may be applicable, apply to the indebtedness hereby authorized.

SECT. 3. This act shall take effect upon its passage.

Approved, March 27, 1902.

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